

SENATE BILL 455

P5

EMERGENCY BILL

11r0357

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: February 4, 2011

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: February 16, 2011

CHAPTER _____

1 AN ACT concerning

2 **Annual Corrective Bill**

3 FOR the purpose of correcting certain errors and omissions in certain articles of the
4 Annotated Code, certain local laws, and certain uncodified laws; clarifying
5 language; correcting certain obsolete references; reorganizing certain sections of
6 the Annotated Code; ratifying certain corrections made by the publishers of the
7 Annotated Code; providing that this Act is not intended to affect any law other
8 than to correct technical errors; providing for the correction of certain errors
9 and obsolete provisions by the publishers of the Annotated Code; providing for
10 the effect and construction of certain provisions of this Act; and making this Act
11 an emergency measure.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 5–401(r), 6–201(r)(19)(xi)3., 6–401(r), 7–101(b)(11)(iv)1., and
15 13–101(b)(1)(iv) and (c)(4)(i)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 2B – Alcoholic Beverages
20 Section 12–104(e)(5)(ii)
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2010 Supplement)
23 (As enacted by Chapter 419 of the Acts of the General Assembly of 2010)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 BY repealing and reenacting, with amendments,
2 Article 24 – Political Subdivisions – Miscellaneous Provisions
3 Section 9–1302(a)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2010 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article 28 – Maryland–National Capital Park and Planning Commission
8 Section 5–114.1(g)(1)(xi) and (xvii)
9 Annotated Code of Maryland
10 (2010 Replacement Volume)
- 11 BY repealing and reenacting, with amendments,
12 Article – Business Occupations and Professions
13 Section 11–101(f)(2), 11–402, 14–314(f)(3) and (4), and 18–3A–02(c)
14 Annotated Code of Maryland
15 (2010 Replacement Volume)
- 16 BY repealing and reenacting, with amendments,
17 Article – Commercial Law
18 Section 2–316.1(1)
19 Annotated Code of Maryland
20 (2002 Replacement Volume and 2010 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Commercial Law
23 Section 11–1101(d)(1), 12–1201(g), 14–701(a), 14–1201(f), 16–207(f)(2), and
24 19–203(8)
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2010 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Corporations and Associations
29 Section 3–603(b)(4)(ii), 4A–911(d), 9A–1007(d), 10–209(d), and 12–801(d)
30 Annotated Code of Maryland
31 (2007 Replacement Volume and 2010 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article – Courts and Judicial Proceedings
34 Section 3–2A–02(c)(2)(ii) and 3–8A–01(p)
35 Annotated Code of Maryland
36 (2006 Replacement Volume and 2010 Supplement)
- 37 BY repealing and reenacting, with amendments,
38 Article – Criminal Law
39 Section 3–802(a)(1)(iii), 4–203(c)(4)(i)1., and 5–401(b)(2)(ii)

1 Annotated Code of Maryland
2 (2002 Volume and 2010 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Criminal Law
5 Section 9–804(c)(2)(i)
6 Annotated Code of Maryland
7 (2002 Volume and 2010 Supplement)
8 (As enacted by Chapter 197 of the Acts of the General Assembly of 2010)

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 11–503(c)(1)(ii) and 11–701(o)(4)(i)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 3–114(d), 7–103(a)(1)(ii), 7–302(c), 7–409(f)(7)(i)4., 11–102(b)(1)(i),
17 11–206(a)(2), 13–511(b)(2)(x), 13–516(e)(3), and 18–705(c)(4)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 7–311(c)(4)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2010 Supplement)
25 (As enacted by Chapters 237 and 238 of the Acts of the General Assembly of
26 2010)

27 BY repealing and reenacting, with amendments,
28 Article – Education
29 Section 19–102(a)(5) and (e)(2)(ii)
30 Annotated Code of Maryland
31 (2008 Replacement Volume and 2010 Supplement)
32 (As enacted by Chapter 246 of the Acts of the General Assembly of 1988)

33 BY repealing and reenacting, with amendments,
34 Article – Election Law
35 Section 3–301(b)
36 Annotated Code of Maryland
37 (2010 Replacement Volume)

38 BY repealing and reenacting, with amendments,
39 Article – Environment
40 Section 4–203(b)(8), 5–203.1(a)(2), 7–214, 15–1204(b)(2), and 16–101(j)

1 Annotated Code of Maryland
2 (2007 Replacement Volume and 2010 Supplement)

3 BY repealing
4 Article – Environment
5 Section 16–101(i)
6 Annotated Code of Maryland
7 (2007 Replacement Volume and 2010 Supplement)

8 BY adding to
9 Article – Environment
10 Section 16–101(j)
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2010 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Estates and Trusts
15 Section 9–103(b) and 9–105(c)
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2010 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Family Law
20 Section 4–508.1(c) and 5–561(i)(2)(ii)
21 Annotated Code of Maryland
22 (2006 Replacement Volume and 2010 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Health – General
25 Section 4–301(c), 7–717(a)(2), 13–1101(z) through (ii), 13–1114(c),
26 15–135(e)(2)(ii), 18–338.1(h)(1), 19–120(a), (e), (g)(2)(iii) and (iv),
27 (h)(2)(ii)2.C. and (iii)2.A., (j)(2)(iv)1., 2.A., and 3., (k)(2)(ii)1. and (6)(v),
28 (viii), and (ix), (l), (n), and (o), 19–211(a)(1), 19–705.1(b), 19–706(fff)
29 through (jjjj), and 19–1409(b)(8)
30 Annotated Code of Maryland
31 (2009 Replacement Volume and 2010 Supplement)

32 BY repealing
33 Article – Health – General
34 Section 13–1101(y), 19–120(m), and 19–706(eee)
35 Annotated Code of Maryland
36 (2009 Replacement Volume and 2010 Supplement)

37 BY repealing and reenacting, with amendments,
38 Article – Health – General
39 Section 18–331(b)
40 Annotated Code of Maryland

- 1 (2009 Replacement Volume and 2010 Supplement)
2 (As enacted by Chapter 578 of the Acts of the General Assembly of 1984)
- 3 BY repealing and reenacting, with amendments,
4 Article – Health Occupations
5 Section 3–602, 4–308(f) and (h)(4)(viii), 4–315(a)(24), 8–205(a)(3),
6 14–504(g)(2), and 15–402(a)
7 Annotated Code of Maryland
8 (2009 Replacement Volume and 2010 Supplement)
- 9 BY repealing and reenacting, with amendments,
10 Article – Health Occupations
11 Section 15–101(q)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2010 Supplement)
14 (As enacted by Chapters 273 and 274 of the Acts of the General Assembly of
15 2010)
- 16 BY repealing and reenacting, with amendments,
17 Article – Housing and Community Development
18 Section 2–201
19 Annotated Code of Maryland
20 (2006 Volume and 2010 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Human Services
23 Section 5–309(b)(3)(ii), 5–313(a)(2)(ii), 5–318(e)(1)(ii), and 10–902(c)(2)
24 Annotated Code of Maryland
25 (2007 Volume and 2010 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – Labor and Employment
28 Section 6–107(b)(2)
29 Annotated Code of Maryland
30 (2008 Replacement Volume and 2010 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article – Labor and Employment
33 Section 8–903(c)
34 Annotated Code of Maryland
35 (2008 Replacement Volume and 2010 Supplement)
36 (As enacted by Chapter 2 of the Acts of the General Assembly of 2010)
- 37 BY repealing and reenacting, with amendments,
38 Article – Natural Resources
39 Section 1–203(b) and (f), 4–216(d)(3), and 4–217(d)(3); the subtitle designation
40 “Subtitle 6. Licensing, Regulation and Supervision of Fishing and

- 1 Fisheries in Nontidal Waters” to immediately precede Section 4–601; and
2 4–745(a)(1), (b)(4)(iii)2., (c), and (d)(2)
3 Annotated Code of Maryland
4 (2005 Replacement Volume and 2010 Supplement)
- 5 BY repealing and reenacting, without amendments,
6 Article – Natural Resources
7 Section 4–601
8 Annotated Code of Maryland
9 (2005 Replacement Volume and 2010 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 4–614(a)(2)
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2010 Supplement)
15 (As enacted by Chapter 465 of the Acts of the General Assembly of 2010)
- 16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 8–1815(a)(2)(i)1.
19 Annotated Code of Maryland
20 (2007 Replacement Volume and 2010 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – Public Utilities
23 Section 7–701(h)(2) and 27–102(d)(4)
24 Annotated Code of Maryland
25 (2010 Replacement Volume)
- 26 BY repealing and reenacting, with amendments,
27 Article – Public Utilities
28 Section 12–107(b)
29 Annotated Code of Maryland
30 (2010 Replacement Volume)
31 (As enacted by Chapter 635 of the Acts of the General Assembly of 2010)
- 32 BY repealing and reenacting, with amendments,
33 Article – Real Property
34 Section 7–105.1(d)(2)(x)1., 8–402.2(c)(2), 8A–401(a), 8A–603, 8A–605(b),
35 8A–1201(b)(2)(iv), 9–103(c)(2), 9–105(a)(1)(iii) and (3),
36 11–109(c)(16)(iii), 14–125.1(d)(4), and 14–506(b)(3)(i)
37 Annotated Code of Maryland
38 (2010 Replacement Volume and 2010 Supplement)
- 39 BY repealing and reenacting, with amendments,
40 Article – Real Property

- 1 Section 8–5A–02(b)
2 Annotated Code of Maryland
3 (2010 Replacement Volume and 2010 Supplement)
4 (As enacted by Chapters 318 and 319 of the Acts of the General Assembly of
5 2010)
- 6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 5–7B–01(c)(1)(i), 8–117(g)(1), 10A–101(a)(3) and (5), 14–301(i)(1)(i)5.,
9 and 14–409(c)
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2010 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 2–10A–03(b)(2)(i), 9–1A–26(a)(1), and 9–1406(h)(1)(iv)3.
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2010 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – State Personnel and Pensions
19 Section 21–305.5(h)(3), 21–306(d)(4)(ii) and (e)(2)(i), 21–306.1(e)(2)(i),
20 21–306.2(e)(2)(i), 26–303(a), 28–201, and 28–304
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2010 Supplement)
- 23 BY repealing and reenacting, with amendments,
24 Article – Tax – General
25 Section 10–720(c)(3), 10–722(i)(2) and (j)(2), and 11–108
26 Annotated Code of Maryland
27 (2010 Replacement Volume)
- 28 BY repealing and reenacting, with amendments,
29 Article – Tax – General
30 Section 10–909(1)(ii)
31 Annotated Code of Maryland
32 (2010 Replacement Volume)
33 (As enacted by Chapter 135 of the Acts of the General Assembly of 1988)
- 34 BY repealing and reenacting, with amendments,
35 Article – Tax – General
36 Section 10–912(a)(7)(i)2., (ii)2., and (iii)2.
37 Annotated Code of Maryland
38 (2010 Replacement Volume)
39 (As enacted by Chapter 410 of the Acts of the General Assembly of 2004)
- 40 BY repealing and reenacting, with amendments,

1 Article – Tax – Property
 2 Section 9–317(b)(2) and (3)
 3 Annotated Code of Maryland
 4 (2007 Replacement Volume and 2010 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Transportation
 7 Section 4–312(a)(1) and 4–406(a)(5)(ii)
 8 Annotated Code of Maryland
 9 (2008 Replacement Volume and 2010 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – Transportation
 12 Section 13–410(f), 13–506(e)(2), 13–815(a)(3)(vii) and (e)(3), 15–101(g)(2)(i),
 13 16–111(e)(3)(i), and 17–106(e)(4)(i); and the subtitle designation “Subtitle
 14 3. Mobile Seafood Vendors” to immediately precede Section 24–301
 15 Annotated Code of Maryland
 16 (2009 Replacement Volume and 2010 Supplement)

17 BY repealing
 18 Article – Transportation
 19 Section 16–104
 20 Annotated Code of Maryland
 21 (2009 Replacement Volume and 2010 Supplement)

22 BY repealing and reenacting, without amendments,
 23 Article – Transportation
 24 Section 24–301(a)
 25 Annotated Code of Maryland
 26 (2009 Replacement Volume and 2010 Supplement)

27 BY repealing and reenacting, with amendments,
 28 Chapter 15 of the Acts of the General Assembly of 2010
 29 Section 3

30 BY repealing and reenacting, with amendments,
 31 The Public Local Laws of Washington County
 32 Section 1–106.5
 33 Article 22 – The Public Local Laws of Maryland
 34 (2007 Edition and October 2010 Supplement, as amended)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 36 MARYLAND, That the Laws of Maryland read as follows:

37 **Article 2B – Alcoholic Beverages**

38 5–401.

1 (r) (1) In Prince George's County the annual license fee **FOR A CLASS D**
 2 **BEER AND LIGHT WINE LICENSE UNDER SUBSECTION (A) OF THIS SECTION** is
 3 \$365.

4 (2) (I) **THIS PARAGRAPH APPLIES ONLY IN PRINCE GEORGE'S**
 5 **COUNTY.**

6 (II) **THERE IS A SPECIAL CLASS D BEER AND WINE LICENSE**
 7 **THAT MAY BE ISSUED FOR AN ESTABLISHMENT IN A WATERFRONT**
 8 **ENTERTAINMENT RETAIL COMPLEX, AS DEFINED IN THE COUNTY ZONING**
 9 **ORDINANCE.**

10 (III) **THE HOURS OF OPERATION ARE FROM 9 A.M. TO 2 A.M.**
 11 **THE FOLLOWING DAY.**

12 (IV) **A LICENSE HOLDER NEED NOT MEET ANY FOOD**
 13 **REQUIREMENTS.**

14 (V) **BEER AND WINE MAY BE SOLD FOR CONSUMPTION ON**
 15 **AND OFF THE PREMISES 7 DAYS A WEEK.**

16 (VI) **THE ANNUAL LICENSE FEE IS \$660.**

17 **DRAFTER'S NOTE:**

18 Error: Miscodification of provisions originally codified under Art. 2B, §
 19 6-401(r) instead of Art. 2B, § 5-401(r), and omitted words ("for consumption") in
 20 subsection (r)(2)(v). Correction suggested by Attorney General in a Bill Review Letter
 21 for H.B. 571 of 2010, dated April 28, 2010. Additional language added for clarification.

22 Occurred: Ch. 423, Acts of 2010.

23 6-201.

24 (r) (19) (xi) 3. The permit holder promptly shall be given an
 25 opportunity for a hearing in circuit court on the granting of the temporary restraining
 26 order in accordance with **TITLE 15**, Chapter 500 of the Maryland Rules.

27 **DRAFTER'S NOTE:**

28 Error: Incomplete cross-reference in Art. 2B, § 6-201(r)(19)(xi)3.

29 Occurred: Ch. 684, Acts of 2010.

30 6-401.

- 1 (r) [(1) This subsection applies only in Prince George’s County.
- 2 (2) There is a special Class D beer and wine license that may be issued
3 for an establishment in a waterfront entertainment retail complex, as defined in the
4 county zoning ordinance.
- 5 (3) The hours of operation are from 9 a.m. to 2 a.m. the following day.
- 6 (4) A license holder need not meet any food requirements.
- 7 (5) Beer and wine may be sold on and off the premises 7 days a week.
- 8 (6) The annual license fee is \$660] **THIS SECTION DOES NOT APPLY**
9 **IN PRINCE GEORGE’S COUNTY.**

10 DRAFTER’S NOTE:

11 Error: Miscodification of provisions originally codified under Art. 2B, § 6–401(r)
12 instead of § 5–401(r). Statutory language before the miscodification occurred is
13 restored by this correction. Correction suggested by the Attorney General in the Bill
14 Review Letter for H.B. 571 of 2010, dated April 28, 2010.

15 Occurred: Ch. 423, Acts of 2010.

16 7–101.

17 (b) (11) In Prince George’s County:

18 (iv) 1. The Board of License Commissioners may issue a
19 Class D beer and wine license to an individual or **ON BEHALF OF AN** entity that holds
20 an event in the property of a conceptual site plan at least part of which includes a
21 waterfront entertainment retail complex as defined by the county zoning ordinance;

22 DRAFTER’S NOTE:

23 Error: Omitted words in Art. 2B, § 7–101(b)(11)(iv)1.

24 Occurred: Ch. 423, Acts of 2010.

25 12–104.

26 (e) (5) (ii) Subject to [subparagraphs] **SUBPARAGRAPH** (iii) [and (iv)]
27 of this paragraph, the Comptroller may issue one Class 6 pub–brewery license or one
28 Class 7 micro–brewery license, but not both, to a person that holds not more than
29 three Class B beer, wine and liquor licenses.

1 DRAFTER’S NOTE:

2 Error: Erroneous internal reference in Art. 2B, § 12–104(e)(5)(ii).

3 Occurred: Ch. 419, Acts of 2010. Correction by the publisher of the Annotated
 4 Code in the 2010 Supplement of Article 2B – Alcoholic Beverages is ratified by this
 5 Act.

6 13–101.

7 (b) (1) The provisions of this section apply to:

8 (iv) In Baltimore City, [any bottle club, as defined in] AN
 9 ESTABLISHMENT COVERED UNDER § 20–102(a) of this article.

10 (c) (4) (i) This paragraph applies only to [a bottle club as defined in]
 11 AN ESTABLISHMENT COVERED UNDER § 20–102(a) of this article, in Baltimore City.

12 DRAFTER’S NOTE:

13 Error: Obsolete language in Art. 2B, § 13–101(b)(1)(iv) and (c)(4)(i).

14 Occurred: As a result of Chs. 550 and 551, Acts of 2010, which repealed the
 15 definition of “bottle club”.

16 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

17 9–1302.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Cost” has the meaning stated in § 9–1301 of this subtitle.

20 (3) “County tax limitation” means a provision of a county charter that
 21 limits:

22 (i) The maximum property tax rate that a county may impose;
 23 or

24 (ii) The rate of growth of county property tax revenues.

25 (4) **“COUNTY TRANSPORTATION IMPROVEMENTS” INCLUDES:**

26 (I) **FOR COUNTY ROADS AND HIGHWAYS:**

27 1. **COUNTY RIGHTS-OF-WAY, ROADWAY SURFACES,**
 28 **ROADWAY SUBGRADES, SHOULDERS, MEDIAN DIVIDERS, DRAINAGE FACILITIES**

1 AND STRUCTURES, RELATED STORMWATER MANAGEMENT FACILITIES AND
 2 STRUCTURES, ROADWAY CUTS, ROADWAY FILLS, GUARDRAILS, BRIDGES,
 3 HIGHWAY GRADE SEPARATION STRUCTURES, TUNNELS, OVERPASSES,
 4 UNDERPASSES, INTERCHANGES, ENTRANCE PLAZAS, APPROACHES, AND OTHER
 5 STRUCTURES FORMING AN INTEGRAL PART OF A STREET, ROAD, OR HIGHWAY,
 6 INCLUDING BICYCLE AND WALKING PATHS, DESIGNATED BUS LANES,
 7 SIDEWALKS, PEDESTRIAN PLAZAS, STREETSCAPING, AND RELATED
 8 INFRASTRUCTURE; AND

9 2. ANY OTHER PROPERTY ACQUIRED FOR THE
 10 CONSTRUCTION, OPERATION, OR USE OF THE HIGHWAY; AND

11 (II) FOR COUNTY TRANSIT FACILITIES, ANY ONE OR MORE
 12 OR COMBINATION OF TRACKS, RIGHTS-OF-WAY, BRIDGES, TUNNELS, SUBWAYS,
 13 ROLLING STOCK, STATIONS, TERMINALS, PORTS, PARKING AREAS, EQUIPMENT,
 14 FIXTURES, BUILDING STRUCTURES, OTHER REAL OR PERSONAL PROPERTY, AND
 15 SERVICES INCIDENTAL TO OR USEFUL OR DESIGNED FOR USE IN CONNECTION
 16 WITH THE RENDERING OF TRANSIT SERVICE BY ANY MEANS, INCLUDING RAIL,
 17 BUS, MOTOR VEHICLE, OR OTHER MODE OF TRANSPORTATION BUT DOES NOT
 18 INCLUDE ANY RAILROAD FACILITY.

19 [(4)] (5) “Highway facility” has the meaning stated in § 3–101(f) of
 20 the Transportation Article.

21 [(5)] (6) “Special taxing district” means a defined geographic area
 22 designated by a county within which ad valorem or special taxes are imposed for the
 23 purpose of financing the cost of infrastructure improvements.

24 (7) “STATE TRANSPORTATION IMPROVEMENTS” INCLUDES
 25 HIGHWAY FACILITIES, TRANSIT FACILITIES, AND RELATED INFRASTRUCTURE.

26 [(6)] (8) “Transit facility” has the meaning stated in § 3–101(k) of the
 27 Transportation Article.

28 [(7) “State transportation improvements” includes highway facilities,
 29 transit facilities, and related infrastructure.

30 (8) “County transportation improvements” includes:

31 (i) For county roads and highways:

32 1. County rights-of-way, roadway surfaces, roadway
 33 subgrades, shoulders, median dividers, drainage facilities and structures, related
 34 stormwater management facilities and structures, roadway cuts, roadway fills,
 35 guardrails, bridges, highway grade separation structures, tunnels, overpasses,

1 underpasses, interchanges, entrance plazas, approaches, and other structures forming
 2 an integral part of a street, road, or highway, including bicycle and walking paths,
 3 designated bus lanes, sidewalks, pedestrian plazas, streetscaping, and related
 4 infrastructure; and

5 2. Any other property acquired for the construction,
 6 operation, or use of the highway; and

7 (ii) For county transit facilities, any one or more or combination
 8 of tracks, rights-of-way, bridges, tunnels, subways, rolling stock, stations, terminals,
 9 ports, parking areas, equipment, fixtures, building structures, other real or personal
 10 property, and services incidental to or useful or designed for use in connection with the
 11 rendering of transit service by any means, including rail, bus, motor vehicle, or other
 12 mode of transportation but does not include any railroad facility.]

13 DRAFTER'S NOTE:

14 Error: Stylistic error (failure to codify definitions in alphabetical order) in Art.
 15 24, § 9–1302(a).

16 Occurred: Ch. 617, Acts of 2010.

17 **Article 28 – Maryland–National Capital Park and Planning Commission**

18 5–114.1.

19 (g) (1) Subject to the applicable laws and regulations, this section and any
 20 agreement made under it may not impair the rights and responsibilities of the
 21 MNCPPC to:

22 (xi) Establish employee performance standards and evaluate
 23 and assign **EMPLOYEEES**, except that evaluation and assignment procedures are
 24 subjects for bargaining;

25 (xvii) Suspend, discharge, or otherwise discipline employees for
 26 cause, subject to the grievance procedure set forth in the collective bargaining
 27 agreement; **OR**

28 DRAFTER'S NOTE:

29 Error: Omitted word and omitted comma in Art. 28, § 5–114.1(g)(1)(xi); omitted
 30 conjunction in Art. 28, § 5–114.1(g)(1)(xvii).

31 Occurred: Ch. 248, Acts of 2002.

32 **Article – Business Occupations and Professions**

1 11-101.

2 (f) (2) "Limited license" includes a [37-foot-draft] ~~40-FOOT-DRAFT~~
3 limited license, a [34-foot-draft] ~~36-FOOT-DRAFT~~ limited license, and a
4 [28-foot-draft] ~~32-FOOT-DRAFT~~ limited license.

5 DRAFTER'S NOTE:

6 Error: Obsolete language in § 11-101(f)(2) of the Business Occupations and
7 Professions Article.

8 Occurred: As a result of Ch. 125, Acts of 2010.

9 11-402.

10 Subject to the provisions of this subtitle, the Board may issue:

11 (1) a license;

12 (2) a [37-foot-draft] ~~40-FOOT-DRAFT~~ limited license;

13 (3) a [34-foot-draft] ~~36-FOOT-DRAFT~~ limited license; and

14 (4) a [28-foot-draft] ~~32-FOOT-DRAFT~~ limited license.

15 DRAFTER'S NOTE:

16 Error: Obsolete language in § 11-402 of the Business Occupations and
17 Professions Article.

18 Occurred: As a result of Ch. 125, Acts of 2010.

19 14-314.

20 (f) The Board shall adopt regulations to require a demonstration of
21 continuing professional competency for a licensee as a condition of renewal of a license
22 under this section in accordance with the following:

23 (3) if a license expires between October 1, 2012, and September 30,
24 2013, a licensee is required to fulfill 50% of the continuing professional competency
25 [requirement] **REQUIREMENTS** as provided in the regulations adopted by the Board
26 under this subsection; and

27 (4) if a license expires on or after October 1, 2013, a licensee is
28 required to fulfill the full continuing professional competency [requirement]
29 **REQUIREMENTS** as provided in the regulations adopted by the Board under this
30 subsection.

1 DRAFTER'S NOTE:

2 Error: Grammatical errors in § 14–314(f)(3) and (4) of the Business
3 Occupations and Professions Article.

4 Occurred: Ch. 124, Acts of 2010.

5 18–3A–02.

6 (c) The State Department of Education, in conjunction with the Secretary,
7 may establish by regulation a cooperative education program under which a minor
8 may learn the security systems trade with on–site supervision by a security systems
9 [registrar] **REGISTRANT** under the auspices of cooperative education registration
10 with the schools.

11 DRAFTER'S NOTE:

12 Error: Incorrect word usage in § 18–3A–02(c) of the Business Occupations and
13 Professions Article.

14 Occurred: Ch. 262, Acts of 2002.

15 **Article – Commercial Law**

16 2–316.1.

17 (1) The provisions of § 2–316 do not apply to sales of consumer goods, as
18 defined by [§ 9–109] **§ 9–102**, services, or both.

19 DRAFTER'S NOTE:

20 Error: Erroneous cross–reference in § 2–316.1(1) of the Commercial Law
21 Article.

22 Occurred: As a result of Ch. 282, Acts of 1999.

23 11–1101.

24 (d) (1) “Person” means an individual, corporation, business trust,
25 statutory trust, estate, trust, partnership, association, **[2] TWO** or more persons
26 having a joint or common interest, or any other legal **OR** commercial entity.

27 DRAFTER'S NOTE:

28 Error: Stylistic error and omitted word in § 11–1101(d)(1) of the Commercial
29 Law Article.

1 Occurred: Ch. 340, Acts of 1986 (which enacted § 11–1101(d)(1) as §
2 11–1001(d)(1)).

3 12–1201.

4 (g) “Person” includes an individual, corporation, business trust, **STATUTORY**
5 **TRUST**, estate, trust, partnership, association, two or more persons having a joint or
6 common interest, or any other legal or commercial entity.

7 DRAFTER’S NOTE:

8 Error: Omitted words in § 12–1201(g) of the Commercial Law Article.

9 Occurred: As a result of Ch. 611, Acts of 2010, which revised and expanded the
10 law governing business trusts, and replaced the term “business trust” with “statutory
11 trust” in the governing law. Correction suggested by the Attorney General in the Bill
12 Review Letter for S.B. 878/H.B. 799 of 2010 (footnote 8), dated April 27, 2010.

13 14–701.

14 (a) In this [section] **SUBTITLE** the following words have the meanings
15 indicated.

16 DRAFTER’S NOTE:

17 Error: Erroneous internal reference in § 14–701(a) of the Commercial Law
18 Article.

19 Occurred: Ch. 49, Acts of 1975.

20 14–1201.

21 (f) “Employment purposes” when used in connection with a consumer report
22 means a report used for the purpose of evaluating a consumer for employment,
23 promotion, [reassignment] **REASSIGNMENT**, or retention as an employee.

24 DRAFTER’S NOTE:

25 Error: Omitted comma in § 14–1201(f) of the Commercial Law Article.

26 Occurred: Ch. 584, Acts of 1976 (which enacted § 14–1201(f) as § 14–1201(h)).

27 16–207.

28 (f) (2) The exclusion or limitation of any storage fees as provided in
29 [subsections (e)(1)(iii) and (f)(1) of this section] **SUBSECTION (E)(1)(III) OF THIS**

1 **SECTION AND PARAGRAPH (1) OF THIS SUBSECTION** does not apply to any person
2 who conducts auctions as a business in this State, and is required to maintain records
3 under § 15–113 [in] **OF** the Transportation Article, and that person is also exempt
4 from the maximum storage fee limits under this subsection.

5 DRAFTER'S NOTE:

6 Error: Stylistic errors in § 16–207(f)(2) of the Commercial Law Article.

7 Occurred: Ch. 651, Acts of 1986; Ch. 509, Acts of 1984.

8 19–203.

9 This title does not require the repurchasing from a dealer of:

10 (8) Any farm implements or machinery, construction, utility, or
11 industrial equipment, outdoor power equipment, outdoor power sports equipment, or
12 attachments that are not current models or that are not in new, unused, undamaged,
13 complete condition, provided that equipment that is used in demonstrations or leased
14 under § 19–202 of this [title] **SUBTITLE** shall be considered new and unused;

15 DRAFTER'S NOTE:

16 Error: Stylistic error in § 19–203(8) of the Commercial Law Article.

17 Occurred: Ch. 433, Acts of 2005.

18 **Article – Corporations and Associations**

19 3–603.

20 (b) The vote required by § 3–602(b) of this subtitle does not apply to a
21 business combination as defined in § 3–601(e)(1) of this subtitle if each of the following
22 conditions is met:

23 (4) (ii) The provisions of subparagraph (i)1 and 2 of this paragraph
24 do not apply if no interested stockholder or an affiliate or associate of the interested
25 stockholder voted as a director of the corporation in a manner inconsistent with [such
26 subparagraphs] **SUBPARAGRAPH (I)1 AND 2 OF THIS PARAGRAPH** and the
27 interested stockholder, within 10 days after any act or failure to act inconsistent with
28 [such subparagraphs] **SUBPARAGRAPH (I)1 AND 2 OF THIS PARAGRAPH**,
29 notifies the board of directors of the corporation in writing that the interested
30 stockholder disapproves thereof and requests in good faith that the board of directors
31 rectify such act or failure to act.

32 DRAFTER'S NOTE:

1 Error: Stylistic errors in § 3–603(b)(4)(ii) of the Corporations and Associations
2 Article.

3 Occurred: Ch. 1, Acts of the Special Session of 1983.

4 4A–911.

5 (d) After the lists are certified, the Department shall issue a proclamation
6 declaring that, **SUBJECT TO § 4A–920 OF THIS SUBTITLE**, the right to do business in
7 Maryland and the right to the use of the name for each limited liability company is
8 forfeited as of the date of the proclamation, without proceedings of any kind either at
9 law or in equity.

10 DRAFTER'S NOTE:

11 Error: Omitted cross–reference in § 4A–911(d) of the Corporations and
12 Associations Article.

13 Occurred: Ch. 295, Acts of 1995 (which enacted § 4A–911(d) as § 4A–913(d)).
14 Correction made in response to a statement by the Court of Special Appeals of
15 Maryland in *Price v. Upper Chesapeake Health Ventures, Inc.*, 192 Md. App. 695 (2010)
16 (footnote 13), *cert. denied*, 415 Md. 609 (2010).

17 9A–1007.

18 (d) After the lists are certified, the Department shall issue a proclamation
19 declaring that, **SUBJECT TO § 9A–1016 OF THIS SUBTITLE**, the right to do business
20 as a limited liability partnership in Maryland and the right to the use of the name for
21 each limited liability partnership is forfeited as of the date of the proclamation,
22 without proceedings of any kind either at law or in equity.

23 DRAFTER'S NOTE:

24 Error: Omitted cross–reference in § 9A–1007(d) of the Corporations and
25 Associations Article.

26 Occurred: Ch. 654, Acts of 1997 (which enacted § 9A–1007(d) as § 9–1007(d)).
27 Correction made in response to a statement by the Court of Special Appeals of
28 Maryland in *Price v. Upper Chesapeake Health Ventures, Inc.*, 192 Md. App. 695 (2010)
29 (footnote 13), *cert. denied*, 415 Md. 609 (2010).

30 10–209.

31 (d) After the lists are certified, the Department shall issue a proclamation
32 declaring that, **SUBJECT TO § 10–218 OF THIS SUBTITLE**, the right to do business in
33 Maryland and the right to the use of the name for each limited partnership is forfeited

1 as of the date of the proclamation, without proceedings of any kind either at law or in
2 equity.

3 DRAFTER'S NOTE:

4 Error: Omitted cross-reference in § 10-209(d) of the Corporations and
5 Associations Article.

6 Occurred: Ch. 295, Acts of 1995. Correction made in response to a statement by
7 the Court of Special Appeals of Maryland in *Price v. Upper Chesapeake Health*
8 *Ventures, Inc.*, 192 Md. App. 695 (2010) (footnote 13), *cert. denied*, 415 Md. 609 (2010).

9 12-801.

10 (d) After the lists are certified, the Department shall issue a proclamation
11 declaring, for each statutory trust included on a list, that, **SUBJECT TO § 12-810 OF**
12 **THIS SUBTITLE**, the right to do business in the State and to use the name of the
13 statutory trust is forfeited as of the date of the proclamation, without proceedings of
14 any kind at law or at equity.

15 DRAFTER'S NOTE:

16 Error: Omitted cross-reference in § 12-801(d) of the Corporations and
17 Associations Article.

18 Occurred: Ch. 452, Acts of 1999. Correction made in response to a statement by
19 the Court of Special Appeals of Maryland in *Price v. Upper Chesapeake Health*
20 *Ventures, Inc.*, 192 Md. App. 695 (2010) (footnote 13), *cert. denied*, 415 Md. 609 (2010).

21 Article – Courts and Judicial Proceedings

22 3-2A-02.

23 (c) (2) (ii) 1. In addition to any other qualifications, a health care
24 provider who attests in a certificate of a qualified expert or testifies in relation to a
25 proceeding before a panel or court concerning a defendant's compliance with or
26 departure from standards of care:

27 A. Shall have had clinical experience, provided
28 consultation relating to clinical practice, or taught medicine in the defendant's
29 specialty or a related field of health care, or in the field of health care in which the
30 defendant provided care or treatment to the plaintiff, within 5 years of the date of the
31 alleged act or omission giving rise to the cause of action; and

32 B. Except as provided in [item] **SUBSUBPARAGRAPH 2**
33 of this subparagraph, if the defendant is board certified in a specialty, shall be board
34 certified in the same or a related specialty as the defendant.

1 Occurred: Ch. 313, Acts of 2003.

2 4–203.

3 (c) (4) (i) If the person has previously been convicted more than once
4 under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any
5 combination of these crimes:

6 1. except as provided in item [(2)] 2 of this
7 subparagraph, the person is subject to imprisonment for not less than 3 years and not
8 exceeding 10 years; or

9 DRAFTER'S NOTE:

10 Error: Stylistic error in § 4–203(c)(4)(i)1 of the Criminal Law Article.

11 Occurred: Ch. 482, Acts of 2005.

12 5–401.

13 (b) For purposes of this subtitle, a drug is a depressant or stimulant drug if:

14 (2) it contains any quantity of:

15 (ii) a derivative of barbituric acid that [the Secretary of Health
16 and Human Services designates as] **IS DESIGNATED AS** habit forming under [§ 502(d)
17 of] the Federal Food, Drug, and Cosmetic Act [(21 U.S.C. § 352(d))];

18 DRAFTER'S NOTE:

19 Error: Obsolete cross-reference in § 5–401(b)(2)(ii) of the Criminal Law Article.

20 Occurred: As a result of changes in federal law enacted by P.L. 105–115 (1997).

21 9–804.

22 (c) (2) (i) A sentence imposed under paragraph (1)(i) of this subsection
23 [this section] for a first offense may be separate from and consecutive to or concurrent
24 with a sentence for any crime based on the act establishing a violation of this section.

25 DRAFTER'S NOTE:

26 Error: Extraneous language in § 9–804(c)(2)(i) of the Criminal Law Article.

27 Occurred: Ch. 197, Acts of 2010. Correction by the publisher of the Annotated
28 Code in the 2010 Supplement of the Criminal Law Article is ratified by this Act.

Article – Criminal Procedure

11–503.

(c) (1) The State’s Attorney’s office shall:

(ii) send an information copy of the notification to the [office]
OFFICE of the Attorney General.

DRAFTER’S NOTE:

Error: Capitalization error in § 11–503(c)(1)(ii) of the Criminal Procedure
Article.

Occurred: Ch. 10, Acts of 2001.

11–701.

(o) “Tier I sex offender” means a person who has been convicted of:

(4) any of the following federal offenses:

(i) misleading domain names on the Internet under 18 U.S.C. §
[2252C] 2252B;

DRAFTER’S NOTE:

Error: Erroneous cross–reference in § 11–701(o)(4)(i) of the Criminal Procedure
Article.

Occurred: Chs. 174 and 175, Acts of 2010.

Article – Education

3–114.

(d) An individual subject to the authority of the county board may not serve
as a member of the county board. At the time of filing a certificate of candidacy for
election to a county board, a person shall certify to the local board of supervisors of
[election] **ELECTIONS** whether or not he is subject to the authority of the county
board. The Governor shall not issue a commission of election to a person who has
certified affirmatively and who is elected to a county board until the member–elect
offers proof that he is no longer subject to the authority of the county board.

DRAFTER’S NOTE:

1 Error: Misnomer in § 3–114(d) of the Education Article.

2 Occurred: Ch. 338, Acts of 1982.

3 7–103.

4 (a) Except as provided in subsections (b), (e), and (f) of this section, each
5 public school under the jurisdiction of a county board:

6 (1) (ii) If normal school attendance is prevented because of
7 conditions described in subsection (b) of this section, shall be open for at least 1,080
8 hours during a 10–month period; [and]

9 DRAFTER’S NOTE:

10 Error: Extraneous conjunction in § 7–103(a)(1)(ii) of the Education Article.

11 Occurred: Ch. 120, Acts of 1982.

12 7–302.

13 (c) The county superintendent, the superintendent’s designee, or the
14 supervisor of pupil personnel shall provide to the local education agency [for inclusion
15 in the report of the local education agency under § 7–304(f)(1) of this subtitle]
16 information regarding the number of students identified as being habitually truant.

17 DRAFTER’S NOTE:

18 Error: Obsolete language in § 7–302(c) of the Education Article.

19 Occurred: As a result of Ch. 27, Acts of 2010, which repealed § 7–304(f) of the
20 Education Article.

21 7–311.

22 (c) The committee established under subsection (b) of this section shall
23 consist of:

24 (4) One member **WHO** shall be a designee of the County
25 Superintendent; [and]

26 DRAFTER’S NOTE:

27 Error: Omitted word and extraneous conjunction in § 7–311(c)(4) of the
28 Education Article.

1 Occurred: Chs. 237 and 238, Acts of 2010. Correction by the publisher of the
2 Annotated Code in the 2010 Supplement of the Education Article is ratified by this
3 Act.

4 7–409.

5 (f) (7) The Advisory Council shall:

6 (i) Develop and coordinate programs in collaboration with
7 public schools to educate students regarding the importance of:

8 4. The value of physical activity and its relationship to
9 improved academic achievement and stress reduction; [and]

10 DRAFTER’S NOTE:

11 Error: Extraneous conjunction in § 7–409(f)(7)(i)4 of the Education Article.

12 Occurred: Chs. 622 and 623, Acts of 2009.

13 11–102.

14 (b) (1) One member of the Commission shall be:

15 (i) A regularly enrolled student in good standing at a Maryland
16 institution of higher education to which the Commission has issued a certificate of
17 approval under this title or that may operate without a certificate of approval under [§
18 11–202(c)] **§ 11–202.1** of this title; and

19 DRAFTER’S NOTE:

20 Error: Obsolete cross–reference in § 11–102(b)(1)(i) of the Education Article.

21 Occurred: As a result of Ch. 221, Acts of 2010, which repealed § 11–202(c) of the
22 Education Article and added a similar provision in § 11–202.1 of the Education Article.

23 11–206.

24 (a) This section does not apply to:

25 (2) Programs offered by institutions of higher education that operate
26 in the State without a certificate of approval in accordance with [§ 11–202(c)(2) or (3)]
27 **§ 11–202.1(B)** of this subtitle.

28 DRAFTER’S NOTE:

29 Error: Obsolete cross–reference in § 11–206(a) of the Education Article.

1 Occurred: As a result of Ch. 221, Acts of 2010, which repealed § 11–202(c)(2)
2 and (3) of the Education Article and added a similar provision in § 11–202.1(b) of the
3 Education Article.

4 13–511.

5 (b) (2) Of the 31 members:

6 (x) One shall be a representative of the [Maryland trauma net]
7 **MARYLAND TRAUMA CENTER NETWORK;**

8 DRAFTER’S NOTE:

9 Error: Misnomer in § 13–511(b)(2)(x) of the Education Article.

10 Occurred: Ch. 592, Acts of 1993.

11 13–516.

12 (e) (3) Eight of the appointed members shall be licensed or certified
13 emergency medical service providers who are actively providing emergency medical
14 services at the time of their appointment. Three shall be members of a governmental
15 fire, rescue, or emergency medical services company, three shall be members of a
16 volunteer fire, rescue, or emergency medical services company, one shall be an
17 employee of a commercial ambulance service, and one shall be an emergency medical
18 dispatcher. In appointing the provider representatives of the provider review panel,
19 the **EMS** Board shall give consideration to providing for reasonable representation
20 from throughout the State.

21 DRAFTER’S NOTE:

22 Error: Misnomer in § 13–516(e)(3) of the Education Article.

23 Occurred: Ch. 201, § 1, Acts of 1997.

24 18–705.

25 (c) (4) **(I)** A recipient of tuition assistance may reapply for an award if
26 the recipient:

27 **[(i)] 1.** Remains enrolled as a full–time student in an eligible
28 program; or

29 **[(ii)] 2.** Remains enrolled as a part–time student and
30 continues to hold authorized employment as a child care provider; and

1 [(iii)] (II) Satisfies any additional criteria the Office of Student
2 Financial Assistance may establish.

3 DRAFTER'S NOTE:

4 Error: Stylistic error in § 18–705(c)(4) of the Education Article.

5 Occurred: Ch. 462, Acts of 1991.

6 19–102.

7 (a) In order to provide auxiliary and academic facilities a system may:

8 (5) Establish 1 or more trust funds for the deposit of any auxiliary
9 facilities fees and academic fees which may be imposed pursuant to this [subtitle]
10 TITLE, and retain the interest revenue or other investment income thereon, for the
11 purpose of acquiring, constructing, reconstructing, renovating, equipping,
12 maintaining, repairing, and operating auxiliary and academic facilities;

13 (e) (2) A system shall report:

14 (ii) By December 1, subject to § 2–1246 of the State Government
15 Article, to the Department of Legislative Services, the anticipated sources and
16 amounts of payments required for the next fiscal year for:

17 1. Auxiliary facilities; and

18 2. Academic facilities authorized under the
19 requirements of this [subtitle] TITLE.

20 DRAFTER'S NOTE:

21 Error: Stylistic error in § 19–102(a)(5) and (e)(2)(ii) of the Education Article.

22 Occurred: Ch. 246, Acts of 1988. Correction by the publisher of the Annotated
23 Code in the 2010 Supplement of the Education Article is ratified by this Act.

24 **Article – Election Law**

25 3–301.

26 (b) [A] THE INFORMATION CONTAINED IN THE VOTER REGISTRATION
27 APPLICATION FOR A qualified applicant shall be electronically entered into the
28 statewide voter registration list on an expedited basis at the time voter registration
29 information is provided to the local board and shall be assigned to the county in which
30 the applicant resides unless registration is closed pursuant to § 3–302 of this subtitle.

1 DRAFTER'S NOTE:

2 Error: Omitted language in § 3–301(b) of the Election Law Article.

3 Occurred: Ch. 572, Acts of 2005.

4 **Article – Environment**

5 4–203.

6 (b) The Department shall adopt rules and regulations which establish
7 criteria and procedures for stormwater management in Maryland. The rules and
8 regulations shall:

9 (8) Specify **THAT** all stormwater management plans shall be designed
10 to:

11 (i) Prevent soil erosion from any development project;

12 (ii) Prevent, to the maximum extent practicable, an increase in
13 nonpoint pollution;

14 (iii) Maintain the integrity of stream channels for their biological
15 function, as well as for drainage;

16 (iv) Minimize pollutants in stormwater runoff from new
17 development and redevelopment in order to:

18 1. Restore, [enhance] **ENHANCE**, and maintain the
19 chemical, physical, and biological integrity of the waters of the State;

20 2. Protect public health;

21 3. Safeguard fish and aquatic life and scenic and
22 ecological values; and

23 4. Enhance the domestic, municipal, recreational,
24 industrial, and other uses of water as specified by the Department;

25 (v) Protect public safety through the proper design and
26 operation of stormwater management facilities;

27 (vi) Maintain 100% of average annual predevelopment
28 groundwater recharge volume for the site;

29 (vii) Capture and treat stormwater runoff to remove pollutants
30 and enhance water quality;

1 (viii) Implement a channel protection strategy to reduce
2 downstream erosion in receiving streams; and

3 (ix) Implement quantity control strategies to prevent increases
4 in the frequency and magnitude of out-of-bank flooding from large, less frequent
5 storm events; **AND**

6 (9) (i) Establish a comprehensive process for approving grading
7 and sediment control plans and stormwater management plans; and

8 (ii) Specify that the comprehensive process established under
9 [subparagraph] **ITEM** (i) of this [paragraph] **ITEM** takes into account the cumulative
10 impacts of both plans.

11 **DRAFTER'S NOTE:**

12 Error: Omitted words and omitted comma in § 4-203(b)(8) and stylistic errors in
13 § 4-203(b)(9) of the Environment Article.

14 Occurred: Chs. 121 and 122, Acts of 2007.

15 5-203.1.

16 (a) (2) "Major project" means a project that:

17 (i) Proposes to permanently impact 5,000 square feet or more of
18 wetlands or waterways, including the 100-year floodplain;

19 (ii) Is located in an area identified as potentially impacting
20 threatened or endangered species or species in need of conservation by a geographical
21 information system database that:

22 1. Includes sensitive species project review areas and
23 waterfowl concentration and staging areas;

24 2. Has been developed and maintained by the
25 Department of Natural Resources; and

26 3. Is used by the Department to screen incoming
27 applications;

28 (iii) Is located in an area that has been identified as potentially
29 impacting historical or [archeological] **ARCHAEOLOGICAL** resources by a
30 geographical information system database that:

1 1. Includes Maryland [archeological]
 2 **ARCHAEOLOGICAL** sites, the Maryland Inventory of Historic Properties, the National
 3 Register of Historic Places, the Maryland Historical Trust Preservation Easements,
 4 the Annapolis Maryland Inventory of Historic Properties, and the Annapolis Maryland
 5 Inventory of Historic Properties street map;

6 2. Has been developed and maintained by the Maryland
 7 Historical Trust; and

8 3. Is used by the Department to screen incoming
 9 applications;

10 (iv) Is located in an area identified as potentially impacting a
 11 nontidal wetland of special State concern by a geographical information system
 12 database that:

13 1. Has been developed and maintained by the
 14 Department of Natural Resources; and

15 2. Is used by the Department to screen incoming
 16 applications;

17 (v) Is adjacent to Use III or Use IV waters, as defined in
 18 regulation by the Department; or

19 (vi) Requires the issuance of a public notice by the Department.

20 DRAFTER’S NOTE:

21 Error: Misspelling in § 5–203.1(a)(2)(iii) of the Environment Article.

22 Occurred: Ch. 142, Acts of 2008.

23 7–214.

24 A member of the Council:

25 (1) May not receive compensation **AS A MEMBER OF THE COUNCIL**;
 26 but

27 (2) Is entitled to reimbursement for expenses under the Standard
 28 State Travel Regulations, as provided in the State budget.

29 DRAFTER’S NOTE:

30 Error: Omitted words in § 7–214 of the Environment Article.

1 Occurred: Ch. 240, Acts of 1982.

2 15–1204.

3 (b) (2) A notice recorded under subsection (a) of this section shall contain:

4 (i) 1. The name of the owner, or co-owners, of the mineral
5 interest; or

6 [(ii)] 2. If the identity of the owner cannot be determined,
7 information that states that the owner cannot be determined; and

8 [(iii)] (II) An identification of the mineral interest or part of the
9 mineral interest to be preserved, in accordance with subsection (c) of this section.

10 DRAFTER'S NOTE:

11 Error: Tabulation error in § 15–204(b)(2) of the Environment Article.

12 Occurred: Chs. 268 and 269, Acts of 2010.

13 16–101.

14 [(i) (1) “Pier” means any pier, wharf, dock, walkway, bulkhead,
15 breakwater, piles, or other similar structure.

16 (2) “Pier” does not include any structure on pilings or stilts that was
17 originally constructed beyond the landward boundaries of State or private wetlands.]

18 [(j)] (I) “Person” means any natural person, partnership, joint-stock
19 company, unincorporated association or society, the federal government, the State, any
20 unit of the State, a political subdivision, or other corporation of any type.

21 (J) (1) “PIER” MEANS ANY PIER, WHARF, DOCK, WALKWAY,
22 BULKHEAD, BREAKWATER, PILES, OR OTHER SIMILAR STRUCTURE.

23 (2) “PIER” DOES NOT INCLUDE ANY STRUCTURE ON PILINGS OR
24 STILTS THAT WAS ORIGINALLY CONSTRUCTED BEYOND THE LANDWARD
25 BOUNDARIES OF STATE OR PRIVATE WETLANDS.

26 DRAFTER'S NOTE:

27 Error: Stylistic error (definitions not in proper alphabetical order) in § 16–101(i)
28 and (j) of the Environment Article.

29 Occurred: Ch. 794, Acts of 1989.

1 **Article – Estates and Trusts**

2 9–103.

3 (b) Unless a contrary intent is expressed in the will and except as provided
4 in [§§ 3–208, 3–303,] **§§ 3–208 AND 3–303 OF THIS ARTICLE** and subsection (c) of
5 this section, shares of legatees abate without preference or priority as between real
6 and personal property, in the order provided in this subsection.

7 (1) Property not disposed of by the will,

8 (2) Residuary legacies,

9 (3) General legacy, other than (4), (5), and (6) of this subsection,

10 (4) General legacy to dependents of testator,

11 (5) General legacy to creditor of testator in satisfaction of a just debt,

12 (6) General legacy to surviving spouse of testator,

13 (7) Specific and demonstrative legacies.

14 Abatement within each classification is in proportion to the amounts of property
15 each of the legatees or heirs would have received, had full distribution of the property
16 been made in accordance with the terms of the will.

17 DRAFTER'S NOTE:

18 Error: Stylistic error in § 9–103(b) of the Estates and Trusts Article.

19 Occurred: Ch. 11, § 2, Acts of 1974.

20 9–105.

21 (c) A [state] **STATE** or local excise tax may not be imposed upon the transfer
22 of property or the recordation of an instrument executed without consideration by a
23 personal representative.

24 DRAFTER'S NOTE:

25 Error: Capitalization error in § 9–105(c) of the Estates and Trusts Article.

26 Occurred: Ch. 11, § 2, Acts of 1974.

27 **Article – Family Law**

1 4–508.1.

2 (c) A law enforcement officer shall arrest with or without a warrant and take
3 into custody a person [whom] **WHO** the officer has probable cause to believe is in
4 violation of an order for protection that was issued by a court of another state or a
5 Native American tribe and is in effect at the time of the violation if the person seeking
6 the assistance of the law enforcement officer:

7 (1) has filed with the District Court or circuit court for the jurisdiction
8 in which the person seeks assistance a copy of the order; or

9 (2) displays or presents to the law enforcement officer a copy of the
10 order that appears valid on its face.

11 DRAFTER’S NOTE:

12 Error: Grammatical error in § 4–508.1(c) of the Family Law Article.

13 Occurred: Ch. 615, Acts of 1996.

14 5–561.

15 (i) (2) The local department shall reimburse:

16 (ii) an individual described in subsection [(c)(4)(ii)] **(C)(6)(II)** of
17 this section for the costs borne by the individual under subsection (h) of this section.

18 DRAFTER’S NOTE:

19 Error: Erroneous internal reference in § 5–561(i)(2)(ii) of the Family Law
20 Article.

21 Occurred: As a result of Ch. 507, Acts of 2005, which renumbered § 5–561(c)(4)
22 of the Family Law Article to be § 5–561(c)(6) of the Family Law Article.

23 **Article – Health – General**

24 4–301.

25 (c) [“Disclose or disclosure”] **“DISCLOSE” OR “DISCLOSURE”** means the
26 transmission or communication of information in a medical record, including an
27 acknowledgment that a medical record on a particular patient or recipient exists.

28 DRAFTER’S NOTE:

29 Error: Stylistic error in § 4–301(c) of the Health – General Article.

1 Occurred: Ch. 480, Acts of 1990.

2 7–717.

3 (a) (2) “Low intensity support services” includes the services and items
4 listed in [§ 7–701(d) and § 7–706(c)] **§§ 7–701(D) AND 7–706(C)** of this subtitle.

5 DRAFTER’S NOTE:

6 Error: Stylistic error in § 7–717(a)(2) of the Health – General Article.

7 Occurred: Chs. 503 and 504, Acts of 2010.

8 13–1101.

9 [(y) “Statewide Academic Health Center Network Grant” means the grant
10 that is distributed under § 13–1118 of this subtitle.]

11 [(z)] **(Y)** “Statewide Academic Health Center Public Health Grant” means a
12 grant that is distributed under § 13–1115 of this subtitle.

13 [(aa)] **(Z)** “Statewide Academic Health Center Tobacco–Related Diseases
14 Research Grant” means a grant that is distributed under § 13–1017 of this title.

15 [(bb)] **(AA)** “Statewide Public Health Component” means the component of the
16 Program that is established under § 13–1106 of this subtitle.

17 [(cc)] **(BB)** “Surveillance and Evaluation Component” means the component of
18 the Program that is established under § 13–1103 of this subtitle.

19 [(dd)] **(CC)** “Targeted cancer” means a cancer that is identified by the
20 Department under § 13–1102(d) of this subtitle.

21 [(ee)] **(DD)** “Task Force Report” means the report entitled “Report of the
22 Governor’s Task Force to Conquer Cancer” that was issued in December 1999.

23 [(ff)] **(EE)** “Tobacco–related diseases” means cardiovascular disease, chronic
24 pulmonary disease, peripheral vascular disease, stroke, and infant mortality due to
25 low birth weight.

26 [(gg)] **(FF)** “Treatment” includes appropriate access to:

27 (1) Local hospitals, community clinics, physicians, and other health
28 care providers; and

1 (2) Clinical trials, transportation, case management, hospice care, and
2 cancer support groups.

3 [(hh)] (GG) “Uninsured individual” means an individual:

4 (1) For whom the appropriate treatment is not covered by private
5 health insurance, Medicaid, Medicare, or the Maryland Children’s Health Program;
6 and

7 (2) Who the Department determines does not have the financial
8 means to pay for appropriate treatment.

9 [(ii)] (HH) “University of Maryland Medical Group” means the University of
10 Maryland Medical System Corporation, the University of Maryland Medical School,
11 and the University of Maryland, Baltimore.

12 DRAFTER’S NOTE:

13 Error: Obsolete definition in § 13–1101(y) of the Health – General Article.

14 Occurred: As a result of Ch. 484, Acts of 2010.

15 13–1114.

16 (c) Subject to §§ 13–1115 [through 13–1118] **AND 13–1116** of this subtitle,
17 the Department may implement the Statewide Academic Health Center Component
18 by distributing:

19 (1) Statewide Academic Health Center Public Health Grants, as
20 provided under § 13–1115 of this subtitle; **AND**

21 (2) Statewide Academic Health Center Cancer Research Grants, as
22 provided under § 13–1116 of this subtitle[;

23 (3) A Statewide Academic Health Center Tobacco–Related Diseases
24 Research Grant, as provided under § 13–1117 of this subtitle; and

25 (4) A Statewide Academic Health Center Network Grant, as provided
26 under § 13–1118 of this subtitle].

27 DRAFTER’S NOTE:

28 Error: Obsolete language in § 13–1114(c) of the Health – General Article.

29 Occurred: As a result of Ch. 484, Acts of 2010.

30 15–135.

1 (e) If a resident who would qualify for home- and community-based waiver
2 services under § 15-137 of this subtitle indicates an interest or preference for living in
3 the community, the Department, or the Department's designee, shall provide the
4 resident with:

5 (2) Assistance in:

6 (ii) Moving from a nursing facility to a community-based
7 setting appropriate to the [residents'] **RESIDENT'S** needs and expressed wishes.

8 DRAFTER'S NOTE:

9 Error: Grammatical error in § 15-135(e)(2)(ii) of the Health – General Article.

10 Occurred: Chs. 426 and 427, Acts of 2004.

11 18-331.

12 (b) On the basis of information collected under this subsection and of other
13 information available, the Department shall periodically revise and update the
14 information required by § 18-329 **OF THIS SUBTITLE** and the guidelines adopted
15 under § 18-332 of this subtitle.

16 DRAFTER'S NOTE:

17 Error: Stylistic error in § 18-331(b) of the Health – General Article.

18 Occurred: Ch. 578, Acts of 1984. Correction by the publisher of the Annotated
19 Code in the 2010 Supplement of the Health – General Article is ratified by this Act.

20 18-338.1.

21 (h) (1) Notwithstanding the provisions of Title 4, Subtitle 3 of this article,
22 the records, including any physician order for an HIV test or the results of an HIV test
23 performed on a blood sample of a patient or a health care provider in accordance with
24 the provisions of this [section] **SECTION**, may not be documented in the medical
25 record of the patient or health care provider.

26 DRAFTER'S NOTE:

27 Error: Omitted comma in § 18-338.1(h)(1) of the Health – General Article.

28 Occurred: Ch. 535, Acts of 1991.

29 19-120.

1 (a) (1) In this section the following words have the meanings indicated.

2 (2) ["Limited service hospital" means a health care facility that:

3 (i) Is licensed as a hospital on or after January 1, 1999;

4 (ii) Changes the type or scope of health care services offered by
5 eliminating the facility's capability to admit or retain patients for overnight
6 hospitalization;

7 (iii) Retains an emergency or urgent care center; and

8 (iv) Complies with the regulations adopted by the Secretary
9 under § 19-307.1 of this title.

10 (3) "CONSOLIDATION" AND "MERGER" INCLUDE INCREASES AND
11 DECREASES IN BED CAPACITY OR SERVICES AMONG THE COMPONENTS OF AN
12 ORGANIZATION THAT:

13 (I) OPERATES MORE THAN ONE HEALTH CARE FACILITY;
14 OR

15 (II) OPERATES ONE OR MORE HEALTH CARE FACILITIES
16 AND HOLDS AN OUTSTANDING CERTIFICATE OF NEED TO CONSTRUCT A HEALTH
17 CARE FACILITY.

18 (3) (i) "Health care service" means any clinically related patient
19 service.

20 (ii) "Health care service" includes a medical service.

21 (4) "LIMITED SERVICE HOSPITAL" MEANS A HEALTH CARE
22 FACILITY THAT:

23 (I) IS LICENSED AS A HOSPITAL ON OR AFTER JANUARY 1,
24 1999;

25 (II) CHANGES THE TYPE OF SCOPE OF HEALTH CARE
26 SERVICES OFFERED BY ELIMINATING THE FACILITY'S CAPABILITY TO ADMIT OR
27 RETAIN PATIENTS FOR OVERNIGHT HOSPITALIZATION;

28 (III) RETAINS AN EMERGENCY OR URGENT CARE CENTER;
29 AND

1 (IV) COMPLIES WITH THE REGULATIONS ADOPTED BY THE
2 SECRETARY UNDER § 19-307.1 OF THIS TITLE.

3 [(4)] (5) "Medical service" means:

4 (i) Any of the following categories of health care services:

- 5 1. Medicine, surgery, gynecology, addictions;
- 6 2. Obstetrics;
- 7 3. Pediatrics;
- 8 4. Psychiatry;
- 9 5. Rehabilitation;
- 10 6. Chronic care;
- 11 7. Comprehensive care;
- 12 8. Extended care;
- 13 9. Intermediate care; or
- 14 10. Residential treatment; or

15 (ii) Any subcategory of the rehabilitation, psychiatry,
16 comprehensive care, or intermediate care categories of health care services for which
17 need is projected in the State health plan.

18 DRAFTER'S NOTE:

19 Error: Stylistic error (failure to codify definitions in alphabetical order) in §
20 19-120(a)(2) of the Health – General Article; stylistic error (failure to codify
21 definitions in the first subsection of the section) in § 19-120(m) of the Health –
22 General Article (shown as added language in § 19-120(a)(2) of the Health – General
23 Article).

24 Occurred: Ch. 678, Acts of 1999; Ch. 109, Acts of 1985.

25 (e) (1) A person shall have a certificate of need issued by the Commission
26 before the person develops, operates, or participates in any of the [following] health
27 care projects for which a certificate of need is required under this section.

28 (2) A certificate of need issued [prior to January 13, 1987] **BEFORE**
29 **JANUARY 13, 1987**, may not be rendered wholly or partially invalid solely because

1 certain conditions have been imposed, if an appeal concerning the certificate of need,
2 challenging the power of the Commission to impose certain conditions on a certificate
3 of need, has not been noted by an aggrieved party before January 13, 1987.

4 DRAFTER'S NOTE:

5 Error: Extraneous word in § 19–120(e)(1) of the Health – General Article;
6 stylistic error and omitted comma in § 19–120(e)(2) of the Health – General Article.

7 Occurred: Ch. 108, Acts of 1982; Ch. 8, Acts of 1987.

8 (g) (2) This subsection does not apply if:

9 (iii) Subject to the provisions of subsections (i) and (j) of this
10 section, the relocation is of an existing health care facility owned or controlled by a
11 merged asset system and is to:

12 1. A site within the primary service area of the health
13 care facility to be relocated if:

14 A. The proposed relocation is not across county
15 boundaries; and

16 B. At least 45 days prior to the proposed [relocation]
17 **RELOCATION**, notice is filed with the Commission;

18 2. A site outside the primary service area of the health
19 care facility to be relocated but within the primary service area of the merged asset
20 system if:

21 A. At least 45 days prior to the proposed [relocation]
22 **RELOCATION**, notice is filed with the Commission; and

23 B. The Commission in its sole discretion, and in
24 accordance with the criteria adopted by regulation, finds that the relocation is in the
25 public interest, is not inconsistent with the State health plan, and will result in the
26 more efficient and effective delivery of health care services; or

27 3. For a limited service hospital, a site within the
28 immediate area as defined in regulation by the Commission; or

29 (iv) The relocation involves moving a portion of a complement of
30 comprehensive care beds previously approved by the Commission after [January 1,
31 1995] **JANUARY 1, 1995**, for use in a proposed new related institution, as defined in §
32 19–301 of this title, but unbuilt on [October 1, 1998] **OCTOBER 1, 1998**, if:

1 1. The comprehensive care beds that were originally
2 approved by the Commission in a prior certificate of need review were approved for
3 use in a proposed new related institution to be located in a municipal corporation
4 within Carroll County in which a related institution is not located;

5 2. The comprehensive care beds being relocated will be
6 used to establish an additional new related institution that is located in another
7 municipal corporation within Carroll County in which a related institution is not
8 located;

9 3. The comprehensive care beds not being relocated are
10 intended to be used to establish a related institution on the original site; and

11 4. Both the previously approved comprehensive care
12 beds for use on the original site and the relocated comprehensive care beds for use on
13 the new site will be used as components of single buildings on each site that also offer
14 independent or assisted living residential units.

15 DRAFTER'S NOTE:

16 Error: Omitted commas in § 19–120(g)(2)(iii) of the Health – General Article;
17 omitted commas in § 19–120(g)(2)(iv) of the Health – General Article.

18 Occurred: Ch. 678, Acts of 1999; Ch. 782, Acts of 1998.

19 (h) (2) This subsection does not apply to any increase or decrease in bed
20 capacity if:

21 (ii) 2. C. At least 45 days prior to the [change] **CHANGE**,
22 the hospital provides written notice to the Commission describing the change and
23 providing an updated inventory of the hospital's licensed bed complement;

24 (iii) 2. The Commission in its sole discretion finds that the
25 proposed change:

26 A. Is pursuant to the consolidation or merger of [2] **TWO**
27 or more health care facilities, or conversion of a health care facility or part of a facility
28 to a nonhealth-related use;

29 DRAFTER'S NOTE:

30 Error: Omitted comma in § 19–120(h)(2)(ii)2C of the Health – General Article;
31 stylistic error in § 19–120(h)(2)(iii)2A of the Health – General Article.

32 Occurred: Ch. 767, Acts of 1988; Ch. 109, Acts of 1985.

33 (j) (2) This subsection does not apply if:

1 (iv) 1. At least 45 days before increasing or decreasing the
2 volume of [1] ONE or more health care services, written notice of intent to change the
3 volume of health care services is filed with the Commission;

4 2. The Commission in its sole discretion finds that the
5 proposed change:

6 A. Is pursuant to the consolidation or merger of [2] TWO
7 or more health care facilities, the conversion of a health care facility or part of a
8 facility to a nonhealth-related use, or the conversion of a hospital to a limited service
9 hospital;

10 3. Within 45 days of receiving notice under item 1 of this
11 [subparagraph] ITEM, the Commission [shall notify] NOTIFIES the health care
12 facility of its finding.

13 DRAFTER'S NOTE:

14 Error: Stylistic errors in § 19-120(j)(2)(iv)1 and 2A of the Health – General
15 Article; grammatical error in § 19-120(j)(2)(iv)3 of the Health – General Article;
16 stylistic error in § 19-120(j)(2)(iv)3 of the Health – General Article;

17 Occurred: Ch. 109, Acts of 1985 (multiple errors); Ch. 5, § 1, Acts of 1989.

18 (k) (2) A certificate of need is required before any of the following capital
19 expenditures are made by or on behalf of a health care facility other than a hospital:

20 (ii) Any expenditure that is made to lease or, by comparable
21 arrangement, obtain any plant or equipment for the health care facility other than a
22 hospital, if:

23 1. The expenditure is made as part of an acquisition,
24 improvement, or expansion, and, after adjustment for inflation as provided in the
25 [rules and] regulations of the Commission, the total expenditure, including the cost of
26 each study, survey, design, plan, working drawing, specification, and other essential
27 activity, is more than \$5,000,000;

28 (6) This subsection does not apply to:

29 (v) A capital expenditure made as part of a consolidation or
30 merger of [2] TWO or more health care facilities, or conversion of a health care facility
31 or part of a facility to a nonhealth-related use if:

32 1. At least 45 days before an expenditure is made,
33 written notice of intent is filed with the Commission;

1 2. Within 45 days of receiving notice, the Commission in
2 its sole discretion finds that the proposed consolidation, merger, or conversion:

3 A. Is not inconsistent with the State health plan or the
4 institution-specific plan developed by the Commission as appropriate;

5 B. Will result in the delivery of more efficient and
6 effective health care services; and

7 C. Is in the public interest; and

8 3. Within 45 days of receiving notice, the Commission
9 **[shall notify] NOTIFIES** the health care facility of its finding;

10 (viii) A capital expenditure by a **[hospital] HOSPITAL**, as defined
11 in § 19-301 of this title, for a project in excess of \$10,000,000 for construction or
12 renovation that:

13 1. May be related to patient care;

14 2. Does not require, over the entire period or schedule of
15 debt service associated with the project, a total cumulative increase in patient charges
16 or hospital rates of more than \$1,500,000 for the capital costs associated with the
17 project as determined by the Commission, after consultation with the Health Services
18 Cost Review Commission;

19 3. At least 45 days before the proposed expenditure is
20 made, the hospital notifies the Commission; **[and]**

21 4. A. Within 45 days of receipt of the relevant
22 financial information, the Commission makes the financial determination required
23 under item 2 of this **[subparagraph] ITEM**; or

24 B. The Commission has not made the financial
25 determination required under item 2 of this **[subparagraph] ITEM** within 60 days of
26 the receipt of the relevant financial information; and

27 **[4.] 5.** The relevant financial information to be submitted
28 by the hospital is defined in regulations adopted by the Commission, after consultation
29 with the Health Services Cost Review Commission; or

30 (ix) A plant donated to a **[hospital] HOSPITAL**, as defined in §
31 19-301 of this title, **[which] THAT** does not require a cumulative increase in patient
32 charges or hospital rates of more than \$1,500,000 for capital costs associated with the
33 donated plant as determined by the Commission, after consultation with the Health
34 Services Cost Review Commission **[that], IF**:

1 1. At least 45 days before the proposed donation is made,
2 the hospital notifies the Commission; [and]

3 2. A. Within 45 days of receipt of the relevant
4 financial information, the Commission makes the financial determination required
5 under this [subparagraph] **ITEM (IX) OF THIS PARAGRAPH**; or

6 B. The Commission has not made the financial
7 determination required under [item 2] **THIS ITEM (IX)** of this [subparagraph]
8 **PARAGRAPH** within 60 days of the receipt of the relevant financial information; and

9 [2.] 3. The relevant financial information to be submitted
10 by the hospital is defined in regulations adopted by the Commission after consultation
11 with the Health Services Cost Review Commission.

12 DRAFTER'S NOTE:

13 Error: Extraneous words in § 19–120(k)(2)(ii)1 of the Health – General Article;
14 stylistic and grammatical errors in § 19–120(k)(6)(v) of the Health – General Article;
15 omitted comma in § 19–120(k)(6)(viii) of the Health – General Article; stylistic error in
16 § 19–120(k)(6)(viii)3 of the Health – General Article; stylistic error in §
17 19–120(k)(6)(viii)3A of the Health – General Article; stylistic error in §
18 19–120(k)(6)(viii)3B of the Health – General Article; omitted comma and grammatical
19 error in § 19–120(k)(6)(ix) of the Health – General Article; incorrect word usage in §
20 19–120(k)(6)(ix) of the Health – General Article; extraneous conjunction in §
21 19–120(k)(6)(ix)1 of the Health – General Article; stylistic error in § 19–120(k)(6)(ix)1A
22 of the Health – General Article; stylistic error in § 19–120(k)(6)(ix)1B of the Health –
23 General Article.

24 Occurred: Ch. 541, Acts of 2006 (multiple errors); Ch. 109, Acts of 1985; Ch. 767,
25 Acts of 1988 (multiple errors); Ch. 3, § 1, Acts of 1995.

26 (l) A certificate of need is not required to close any hospital or part of a
27 [hospital] **HOSPITAL**, as defined in § 19–301 of this [title] **TITLE**, if:

28 (1) At least 45 days before the closing or partial closing of a hospital,
29 including a State hospital, a person proposing to close all or part of the hospital files
30 notice of the proposed closing or partial closing with the Commission; and

31 (2) For a hospital located in a county with fewer than three hospitals,
32 within 30 days after receipt of the notice of intent to close, the hospital, in consultation
33 with the Commission, holds a public informational hearing in the county where the
34 hospital is located.

35 DRAFTER'S NOTE:

36 Error: Omitted commas in § 19–120(l) of the Health – General Article.

1 Occurred: Ch. 109, Acts of 1985.

2 [(m) In this section the terms “consolidation” and “merger” include increases
3 and decreases in bed capacity or services among the components of an organization
4 which:

5 (1) Operates more than one health care facility; or

6 (2) Operates one or more health care facilities and holds an
7 outstanding certificate of need to construct a health care facility.]

8 [(n) (M) (1) Notwithstanding any other provision of this section, the
9 Commission shall consider the special needs and circumstances of a county where a
10 medical service, as defined in this section, does not exist; and

11 (2) The Commission shall consider and may approve under this
12 subsection a certificate of need application to establish, build, operate, or participate in
13 a health care project to provide a new medical service in a county if the Commission,
14 in its sole discretion, finds that:

15 (i) The proposed medical service does not exist in the county
16 that the project would be located;

17 (ii) The proposed medical service is necessary to meet the health
18 care needs of the residents of that county;

19 (iii) The proposed medical service would have a positive impact
20 on the existing health care system;

21 (iv) The proposed medical service would result in the delivery of
22 more efficient and effective health care services to the residents of that county; and

23 (v) The application meets any other standards or regulations
24 established by the Commission to approve applications under this subsection.

25 [(o) (N) The Commission may not issue a certificate of need or a
26 determination with respect to an acquisition that authorizes a general hospice to
27 provide home-based hospice services on a statewide basis.

28 DRAFTER’S NOTE:

29 Error: Stylistic error (failure to codify definitions in the first subsection of the
30 section) in § 19–120(m) of the Health – General Article (shown as added language in §
31 19–120(a)(2) of the Health – General Article).

32 Occurred: Ch. 109, Acts of 1985.

1 19–211.

2 (a) (1) Except for a facility that is operated or is listed and certified by the
3 First Church of Christ[,] Scientist, Boston, Massachusetts, the Commission has
4 jurisdiction over hospital services offered by or through all facilities.

5 DRAFTER’S NOTE:

6 Error: Extraneous comma in § 19–211(a)(1) of the Health – General Article.

7 Occurred: Ch. 21, § 2, Acts of 1982.

8 19–705.1.

9 (b) (1) The standards of quality of care shall include:

10 [(1)] (i) 1. A requirement that a health maintenance
11 organization shall provide for regular hours during which a member may receive
12 services, including providing for services to a member in a timely manner that takes
13 into account the immediacy of need for services; and

14 [(ii)] 2. Provisions for assuring that all covered services,
15 including any services for which the health maintenance organization has contracted,
16 are accessible to the enrollee with reasonable safeguards with respect to geographic
17 locations;

18 [(2)] (II) A requirement that a health maintenance organization shall
19 have a system for providing a member with 24–hour access to a physician in cases
20 where there is an immediate need for medical services, and for promoting timely
21 access to and continuity of health care services for members, including:

22 [(i)] 1. Providing 24–hour access by telephone to a person
23 who is able to appropriately respond to calls from members and providers concerning
24 after–hours care; and

25 [(ii)] 2. Providing a 24–hour toll free telephone access system
26 for use in hospital emergency departments in accordance with § 19–705.7 of this
27 subtitle;

28 [(3)] (III) A requirement that any nonparticipating provider shall
29 submit to the health maintenance organization the appropriate documentation of the
30 medical complaint of the member and the services rendered;

31 [(4)] (IV) A requirement that a health maintenance organization shall
32 have a physician available at all times to provide diagnostic and treatment services;

1 **[(5)] (V)** A requirement that a health maintenance organization shall
2 assure that:

3 **[(i)] 1.** Each member who is seen for a medical complaint is
4 evaluated under the direction of a physician; and

5 **[(ii)] 2.** Each member who receives diagnostic evaluation or
6 treatment is under the medical management of a health maintenance organization
7 physician who provides continuing medical management;

8 **[(6)] (VI)** A requirement that each member shall have an opportunity
9 to select a primary physician or a certified nurse practitioner from among those
10 available to the health maintenance organization; and

11 **[(7)] (VII)** A requirement that a health maintenance organization
12 print, in any directory of participating providers or hospitals, in a conspicuous
13 manner, the address, telephone number, and facsimile number of the State agency
14 that members, enrollees, and insureds may call to discuss quality of care issues, life
15 and health insurance complaints, and assistance in resolving billing and payment
16 disputes with the health plan or health care provider, as follows:

17 **[(i)] 1.** For quality of care issues and life and health care
18 insurance complaints, the Maryland Insurance Administration; and

19 **[(ii)] 2.** For assistance in resolving a billing or payment
20 dispute with the health plan or a health care provider, the Health Education and
21 Advocacy Unit of the Consumer Protection Division of the Office of the Attorney
22 General.

23 **[(8)] (2)** This subsection may not be construed to require that a
24 health maintenance organization include certified nurse practitioners on the health
25 maintenance organization's provider panel as primary care providers.

26 **DRAFTER'S NOTE:**

27 Error: Stylistic errors in § 19–705.1(b) of the Health – General Article.

28 Occurred: Chs. 77 and 78, Acts of 2010.

29 19–706.

30 **[(eee)]** The provisions of § 19–3A–07(d) of this title apply to health
31 maintenance organizations.]

32 **[(fff)] (EEE)** The provisions of § 15–841 of the Insurance Article apply to
33 health maintenance organizations.

1 [(ggg)] (FFF) The provisions of § 15–131 of the Insurance Article apply to
2 health maintenance organizations.

3 [(hhh)] (GGG) The provisions of § 15–417 of the Insurance Article apply to
4 health maintenance organizations.

5 [(iii)] (HHH) The provisions of § 27–222 of the Insurance Article apply to
6 health maintenance organizations.

7 [(jjj)] (III) The provisions of § 27–914 of the Insurance Article apply to
8 health maintenance organizations.

9 [(kkk)] (JJJ) The provisions of § 27–210 of the Insurance Article apply to
10 health maintenance organizations.

11 [(lll)] (KKK) The provisions of Title 14, Subtitle 6 of the Insurance Article
12 apply to health maintenance organizations.

13 [(mmm)] (LLL) The provisions of § 15–842 of the Insurance Article apply to
14 health maintenance organizations.

15 [(nnn)] (MMM) The provisions of §§ 15–403.2 and 15–418 of the Insurance
16 Article apply to health maintenance organizations.

17 [(ooo)] (NNN) The provisions of § 15–145 of this article apply to health
18 maintenance organizations.

19 [(ppp)] (OOO) The provisions of § 2–115 of the Insurance Article apply to
20 health maintenance organizations.

21 [(qqq)] (PPP) The provisions of Title 15, Subtitle 16 of the Insurance Article
22 apply to health maintenance organizations.

23 [(rrr)] (QQQ) The provisions of § 2–517 of the State Personnel and Pensions
24 Article apply to health maintenance organizations.

25 [(sss)] (RRR) The provisions of § 15–843 of the Insurance Article apply to
26 health maintenance organizations.

27 [(ttt)] (SSS) The provisions of § 15–409.1 of the Insurance Article apply to
28 health maintenance organizations.

29 [(uuu)] (TTT) The provisions of § 15–844 of the Insurance Article apply to
30 health maintenance organizations.

1 [(vvv)] (UUU) The provisions of § 15–1106 of the Insurance Article apply to
2 health maintenance organizations.

3 [(www)] (VVV) The provisions of § 15–832.1 of the Insurance Article apply to
4 health maintenance organizations.

5 [(xxx)] (WWW) The provisions of § 15–1105 of the Insurance Article apply to
6 health maintenance organizations.

7 [(yyy)] (XXX) The provisions of § 15–814 of the Insurance Article apply to
8 health maintenance organizations.

9 [(zzz)] (YYY) The provisions of § 15–509 of the Insurance Article apply to
10 health maintenance organizations.

11 [(aaaa)] (ZZZ) The provisions of § 15–132 of the Insurance Article apply to
12 health maintenance organizations.

13 [(bbbb)] (AAAA) The provisions of Title 15, Subtitle 17 of the Insurance
14 Article apply to health maintenance organizations.

15 [(cccc)] (BBBB) The provisions of § 15–134 of the Insurance Article apply to
16 health maintenance organizations.

17 [(dddd)] (CCCC) The provisions of § 5–608(t) of the Insurance Article apply to
18 health maintenance organizations.

19 [(eeee)] (DDDD) The requirements of § 15–135 of the Insurance Article apply
20 to health maintenance organizations.

21 [(ffff)] (EEEE) The provisions of Title 15, Subtitle 19 of the Insurance Article
22 apply to health maintenance organizations.

23 [(gggg)] (FFFF) The provisions of § 15–136 of the Insurance Article apply to
24 health maintenance organizations.

25 [(hhhh)] (GGGG) The provisions of § 15–1314 of the Insurance Article apply to
26 health maintenance organizations.

27 [(iiii)] (HHHH) The provisions of Title 15, Subtitle 18 of the Insurance Article
28 apply to health maintenance organizations.

29 [(jjjj)] (IIII) The provisions of § 15–137 of the Insurance Article apply to
30 health maintenance organizations.

31 DRAFTER'S NOTE:

1 Error: Obsolete language in § 19–706(eee) of the Health – General Article.

2 Occurred: As a result of Chs. 505 and 506, Acts of 2010.

3 19–1409.

4 (b) The Oversight Committee shall consist of the following members:

5 (8) Three representatives of area agencies on aging, [one of which
6 shall be a member of a local long-term care ombudsman program established under §
7 10–213 of the Human Services Article,] appointed by the Secretary of Aging;

8 DRAFTER’S NOTE:

9 Error: Obsolete reference in § 19–1409(b)(8) of the Health – General Article.

10 Occurred: As a result of Ch. 155, § 1, Acts of 2010.

11 Article – Health Occupations

12 3–602.

13 Subject to the evaluation and reestablishment provisions of the **MARYLAND**
14 Program Evaluation Act, this title and all rules and regulations adopted under this
15 title shall terminate and be of no effect after July 1, 2022.

16 DRAFTER’S NOTE:

17 Error: Omitted word in § 3–602 of the Health Occupations Article.

18 Occurred: Ch. 519, Acts of 1982.

19 4–308.

20 (f) While it is effective, a retired volunteer dental hygienist’s license or a
21 volunteer **DENTAL** hygienist’s license to practice dental hygiene issued under this title
22 authorizes the licensee to practice dental hygiene:

23 (1) Only in a dental office, dental clinic, ambulatory care facility, or
24 hospital;

25 (2) Only for an entity providing medical care to the poor, elderly, or
26 handicapped that is operated by:

27 (i) The State or a local government;

1 (ii) A bona fide charitable organization; or

2 (iii) Any other entity authorized under regulations adopted by
3 the Board;

4 (3) If the dental hygienist signs a written statement agreeing to
5 donate at least 100 hours of dental hygiene services without compensation in a facility
6 that satisfies the requirements of items (1) and (2) of this subsection;

7 (4) If the dental hygienist provides documentation as required by the
8 Board which evidences that the licensee is covered by malpractice insurance; and

9 (5) If the dental hygienist does not otherwise practice dental hygiene
10 for profit in Maryland.

11 (h) (4) A facility in which a dental hygienist is authorized to practice
12 under the general supervision of a licensed dentist in accordance with this subsection
13 shall ensure that:

14 (viii) [Reports] **THE FACILITY REPORTS** to the Board any
15 changes in the status of the facility's general supervision, any supervising dentist, or
16 any dental hygienist within 30 days after the change.

17 DRAFTER'S NOTE:

18 Error: Omitted words in § 4-308(f) and (h)(4)(viii) of the Health Occupations
19 Article.

20 Occurred: Ch. 237, Acts of 2003; Ch. 316, Acts of 2008.

21 4-315.

22 (a) Subject to the hearing provisions of § 4-318 of this subtitle, the Board
23 may deny a general license to practice dentistry, a limited license to practice dentistry,
24 or a teacher's license to practice dentistry to any applicant, reprimand any licensed
25 dentist, place any licensed dentist on probation, or suspend or revoke the license of
26 any licensed dentist, if the applicant or licensee:

27 (24) Uses or promotes or causes the use of any misleading, deceiving, or
28 untruthful advertising matter, promotional [literature] **LITERATURE**, or testimonial;

29 DRAFTER'S NOTE:

30 Error: Omitted comma in § 4-315(a)(24) of the Health Occupations Article.

31 Occurred: Ch. 488, Acts of 1987.

1 8–205.

2 (a) In addition to the powers and duties set forth elsewhere in this title, the
3 Board has the following powers and duties:

4 (3) To adopt rules and regulations for the performance of delegated
5 medical functions [which] **THAT** are recognized jointly by the State Board of
6 Physicians and the State Board of Nursing, under § 14–306(d) of this article;

7 DRAFTER’S NOTE:

8 Error: Grammatical error in § 8–205(a)(3) of the Health Occupations Article.

9 Occurred: Ch. 437, Acts of 1981.

10 14–504.

11 (g) Subject to the hearing provisions of § 14–405 of this title, the Board, on
12 the affirmative vote of a majority of its quorum, may reprimand or place a physician
13 who performs acupuncture on probation or suspend or revoke the registration of a
14 physician for:

15 (2) Except in an emergency life–threatening situation where it is not
16 feasible or practicable, [fails] **FAILING** to comply with the Centers for Disease Control
17 and Prevention’s guidelines on universal precautions; or

18 DRAFTER’S NOTE:

19 Error: Grammatical error in § 14–504(g)(2) of the Health Occupations Article.

20 Occurred: Ch. 154, Acts of 1992.

21 15–101.

22 (q) “Prescriptive authority” means the authority delegated by a primary or
23 alternate supervising physician to a physician assistant to:

24 (1) Prescribe and administer controlled dangerous substances,
25 prescription drugs, medical devices, and the oral, written, or electronic ordering of
26 medications; and

27 (2) Dispense as provided under [§ 15–301.1(c), (d), and (e)] **§**
28 **15–302.2(B), (C), AND (D)** of this title.

29 DRAFTER’S NOTE:

1 Error: Erroneous cross-reference in § 15–101(q)(2) of the Health Occupations
2 Article.

3 Occurred: Chs. 273 and 274, Acts of 2010. Correction suggested by the Attorney
4 General in the Bill Review Letter for H.B. 323 and S.B. 308 of 2010 (footnote 3), dated
5 April 28, 2010. Incomplete correction of the error (correction of section designation) by
6 the publisher of the Annotated Code is ratified and completed (correction of subsection
7 designations) by this Act.

8 15–402.

9 (a) Except as otherwise provided under this title, a person may not represent
10 or imply to the public by use of the title “licensed physician assistant”, by other title,
11 **OR** by description of services, methods, or procedures that the person is licensed to
12 practice as a physician assistant in the State.

13 **DRAFTER’S NOTE:**

14 Error: Omitted conjunction in § 15–402(a) of the Health Occupations Article.

15 Occurred: Ch. 759, Acts of 1986.

16 **Article – Housing and Community Development**

17 2–201.

18 The Department consists of:

- 19 (1) the Division of Credit Assurance;
- 20 (2) the Division of Development Finance;
- 21 (3) the Division of Neighborhood Revitalization;
- 22 (4) the Community Development Administration;
- 23 (5) the Community Legacy Program;
- 24 [(6) the Community Legacy Board;
- 25 (7) the Advisory Committee to the Community Legacy Board;
- 26 (8)] (6) the Housing Finance Review Committee;
- 27 [(9)] (7) the Lead Hazard Advisory Committee;
- 28 [(10)] (8) the Maryland Housing Fund;

1 5–318.

2 (e) To be eligible to participate in the job skills enhancement program, an
3 individual shall:

4 (1) (ii) **BE** a former recipient, a child of a current or former
5 recipient, a foster youth, or obligor;

6 DRAFTER’S NOTE:

7 Error: Omitted word in § 5–318(e)(1)(ii) of the Human Services Article.

8 Occurred: Ch. 385, § 1, Acts of 2009.

9 10–902.

10 (c) (2) The regulations adopted under [subsection (c) of this section]
11 **PARAGRAPH (1) OF THIS SUBSECTION** shall establish:

12 (i) the requirements for an annual review by the Department of
13 all ombudsman activities; and

14 (ii) the process for assisting individuals with organizing and
15 operating a resident council and a family council in a long–term care facility.

16 DRAFTER’S NOTE:

17 Error: Erroneous internal reference in § 10–902(c)(2) of the Human Services
18 Article.

19 Occurred: Ch. 155, § 2, Acts of 2010.

20 **Article – Labor and Employment**

21 6–107.

22 (b) (2) Whenever an activity listed under § 6–106 of this title is to be
23 performed within 10 feet of a high voltage line, the person responsible for performing
24 the activity shall:

25 (i) comply with the National [Electric] **ELECTRICAL** Safety
26 Code; and

27 (ii) be qualified as defined in the National [Electric]
28 **ELECTRICAL** Safety Code.

29 DRAFTER’S NOTE:

1 Error: Misnomer in § 6–107(b)(2) of the Labor and Employment Article.

2 Occurred: Chs. 554 and 555, Acts of 2007.

3 8–903.

4 (c) Notwithstanding any other provision of this section or § 8–904 or §
5 8–907(a) [or (b)] of this subtitle, an individual who otherwise is eligible to receive
6 benefits and who is in training with the approval of the Secretary may not be denied
7 benefits:

8 (1) for failure to meet the requirements of subsection (a)(1)(ii) and (iii)
9 of this section to be available for work and actively seeking work; or

10 (2) for failure to apply for or refusal to accept suitable work under §
11 8–1005 of this title.

12 DRAFTER’S NOTE:

13 Error: Obsolete cross–reference in § 8–903(c) of the Labor and Employment
14 Article.

15 Occurred: As a result of Ch. 2, Acts of 2010. Correction by the publisher of the
16 Annotated Code in the 2010 Supplement of the Labor and Employment Article is
17 ratified by this Act.

18 **Article – Natural Resources**

19 1–203.

20 (b) The Secretary shall issue to each person appointed as A Natural
21 Resources police officer a commission and badge stating “Natural Resources Police
22 Officer”.

23 (f) Subject to § 1–107 of this [article] **TITLE**, in cases of inconsistency
24 between this subtitle and the provisions of the State Personnel and Pensions Article,
25 the provisions of this subtitle shall control as to all matters relating to the Natural
26 Resources Police Force.

27 DRAFTER’S NOTE:

28 Error: Omitted article in § 1–203(b) of the Natural Resources Article; erroneous
29 cross–reference in § 1–203(f) of the Natural Resources Article.

30 Occurred: Ch. 4, § 1, Acts of the First Special Session of 1973; Chs. 330 and 331,
31 Acts of 2010.

1 4-216.

2 (d) A holder of a resident consolidated senior sport fishing license may:

3 (3) Fish for finfish in the Chesapeake Bay and its tributaries or in the
4 State waters of the Atlantic Ocean and the Atlantic coastal bays and **THEIR**
5 tributaries without holding a Chesapeake Bay and coastal sport fishing license under
6 § 4-745 of this title.

7 DRAFTER'S NOTE:

8 Error: Omitted word in § 4-216(d)(3) of the Natural Resources Article.

9 Occurred: Ch. 465, Acts of 2010.

10 4-217.

11 (d) An individual covered under the organization's license exemption may:

12 (3) Fish for finfish in the Chesapeake Bay and its tributaries or in the
13 State waters of the Atlantic Ocean and the Atlantic coastal bays and **THEIR**
14 tributaries without holding a Chesapeake Bay and coastal sport fishing license under
15 § 4-745 of this title.

16 DRAFTER'S NOTE:

17 Error: Omitted word in § 4-217(d)(3) of the Natural Resources Article.

18 Occurred: Ch. 465, Acts of 2010.

19 Subtitle 6. Licensing, [Regulation] **REGULATION**, and Supervision of Fishing and
20 Fisheries in Nontidal Waters.

21 4-601.

22 "Angling" means catching or attempting to catch fish by hook and line, with the
23 line held in hand, attached to a pole or rod held in hand, or attended in a manner that
24 the fish voluntarily takes bait or lure in its mouth.

25 DRAFTER'S NOTE:

26 Error: Omitted comma in subtitle designation immediately preceding § 4-601
27 of the Natural Resources Article.

28 Occurred: Ch. 4, § 1, Acts of the First Special Session of 1973.

1 4-614.

2 (a) (2) A trout stamp is not required of the following:

3 (i) A holder of a current resident consolidated senior sport
4 fishing license issued under § 4-216 of this title;

5 (ii) **A HOLDER OF A LIFETIME COMPLIMENTARY ANGLER'S**
6 **LICENSE FOR SERVICE DISABLED VETERANS OR FORMER PRISONERS OF WAR**
7 **ISSUED UNDER § 4-607(A)(2) OF THIS SUBTITLE;**

8 (iii) A person authorized by a disability exemption issued under
9 § 4-217 of this title;

10 [(iii)] (iv) A resident serving in the armed forces of the United
11 States while on leave if the resident possesses a copy of the resident's official leave
12 order while fishing; or

13 [(iv)] (v) A person under 16 years of age.

14 DRAFTER'S NOTE:

15 Error: Omitted language in § 4-614(a)(2) of the Natural Resources Article.

16 Occurred: As a result of the merging of Chs. 465 and 693, Acts of 2010.
17 Correction by the publisher of the Annotated Code in the 2010 Supplement of the
18 Natural Resources Article is ratified by this Act.

19 4-745.

20 (a) (1) Except as provided in subsections (c) and (d) of this section and §
21 4-217 of this title, a person may not fish for finfish in the Chesapeake Bay or in its
22 tributaries up to tidal boundaries or in State waters of the Atlantic Ocean and the
23 Atlantic coastal bays and **THEIR** tributaries without first obtaining a Chesapeake Bay
24 and coastal sport fishing license or registration issued under subsection (d)(3) of this
25 section and possessing evidence of the license or registration.

26 (b) (4) (iii) The Department shall use the moneys specified in
27 subparagraph (ii) of this paragraph for:

28 2. Management assessment and [sportfishing] **SPORT**
29 **FISHING** surveys; and

30 (c) A person may fish for finfish in the Chesapeake Bay or its tidal
31 tributaries or in State waters of the Atlantic Ocean and coastal bays and **THEIR**
32 tributaries without a Chesapeake Bay and coastal sport fishing license if the person:

- 1 (1) Is under the age of 16;
- 2 (2) Possesses a valid commercial license;
- 3 (3) Holds a valid tidal water sport fishing license issued by the State
4 of Virginia, Potomac River Fisheries Commission, or District of Columbia, provided
5 that this exemption shall not take effect until the Secretary has published notice in
6 the Maryland Register of the Secretary's determination that the Virginia, Potomac
7 River Fisheries Commission, or District of Columbia requirements for a tidal water
8 sport fishing license are substantially similar to and reciprocal with the Chesapeake
9 Bay and coastal sport fishing license requirements of this section;
- 10 (4) Is fishing pursuant to any special charter boat license issued under
11 subsection (d)(1) of this section;
- 12 (5) (i) Is on active duty with the armed forces of the United States;
- 13 (ii) Is a resident of this State;
- 14 (iii) Is on leave from the armed forces; and
- 15 (iv) Has, while fishing, a copy of the person's official leave
16 orders;
- 17 (6) Fishes on a free fishing day designated by the Secretary;
- 18 (7) Holds a current resident consolidated senior sport fishing license
19 issued under § 4-216 of this title;
- 20 (8) Holds a current registration issued under subsection (d)(3) of this
21 section; or
- 22 (9) Is fishing on a commercial fishing pier licensed under subsection
23 (d)(4) of this section.
- 24 (d) (2) (i) The Department may provide by regulation for issuance of
25 an annual special Chesapeake Bay and coastal sport fishing license, which when
26 permanently affixed to a boat registered in any state shall authorize any person on the
27 boat to fish for finfish in the Chesapeake Bay or in its tributaries up to tidal
28 boundaries or in State waters of the Atlantic Ocean and the Atlantic coastal bays and
29 **THEIR** tributaries, except that such a license may not be used on a boat that has been
30 hired to take such persons fishing.
- 31 (ii) The annual fee for this special license shall be \$50.
- 32 (iii) If a boat owner purchases the special license under this
33 paragraph, the boat owner may fish anywhere in the Chesapeake Bay **AND ITS**

1 **TRIBUTARIES** or the State waters of the Atlantic Ocean and the Atlantic coastal bays
2 and **THEIR** tributaries, whether the boat owner is fishing in the owner's boat, in
3 another person's boat, on land, or elsewhere. The Department shall issue a
4 complimentary Chesapeake Bay and coastal sport fishing license to the boat owner
5 who purchases a special license under this paragraph. If a boat to which the special
6 license is affixed has more than one owner, then only the individual applicant who
7 signs the application for the special license shall be entitled to a complimentary
8 Chesapeake Bay and coastal sport fishing license under this paragraph.

9 **DRAFTER'S NOTE:**

10 Error: Omitted word in § 4-745(a)(1), (c), and (d)(2)(i) and (iii) of the Natural
11 Resources Article; misspelling in § 4-745(b)(4)(iii)2 of the Natural Resources Article;
12 omitted phrase in § 4-745(d)(2)(iii) of the Natural Resources Article.

13 Occurred: Ch. 465, Acts of 2010; Ch. 660, Acts of 1999.

14 8-1815.

15 (a) (2) (i) A person who violates a provision of an order, permit, plan,
16 local program, this subtitle, or regulations adopted, approved, or issued under the
17 authority of this subtitle shall be:

18 1. Subject to prosecution or suit in circuit court or
19 [district court] **DISTRICT COURT** by the chairman or local authorities, who may
20 invoke the sanctions and remedies afforded by State or local law;

21 **DRAFTER'S NOTE:**

22 Error: Capitalization error in § 8-1815(a)(2)(i)1 of the Natural Resources
23 Article.

24 Occurred: Ch. 119, Acts of 2008.

25 **Article – Public Utilities**

26 7-701.

27 (h) (2) "Qualifying biomass" includes biomass listed in paragraph (1) of
28 this [section] **SUBSECTION** that is used for co-firing, subject to § 7-704(d) of this
29 subtitle.

30 **DRAFTER'S NOTE:**

31 Error: Erroneous cross-reference in § 7-701(h)(2) of the Public Utilities Article.

32 Occurred: Chs. 487 and 488, Acts of 2008.

1 12–107.

2 (b) [Of the] **THE** nine members **SHALL BE APPOINTED AS FOLLOWS**:

3 (1) one member from a list submitted to the Governor by the
4 Associated Utility Contractors of Maryland;

5 (2) one member from a list submitted to the Governor by the Public
6 Works Contractors Association of Maryland;

7 (3) two underground facility owners that are members of a one–call
8 system from a list submitted to the Governor by the Maryland members of the
9 Maryland/DC Subscribers Committee;

10 (4) one member from a list submitted to the Governor by the one–call
11 centers operating in the State;

12 (5) one member who represents the State’s underground utility locator
13 community from a list submitted to the Governor by the Maryland members of the
14 Maryland/DC Damage Prevention Committee;

15 (6) one member who has experience in the field of underground
16 utilities from a list submitted to the Governor by the Maryland Association of
17 Counties;

18 (7) one member who has experience in the field of underground
19 utilities from a list submitted to the Governor by the Maryland Municipal League; and

20 (8) one member of the general public from a list submitted to the
21 Governor by the other appointed and qualified members of the Authority.

22 **DRAFTER’S NOTE:**

23 Error: Omitted words in § 12–107(b) of the Public Utilities Article.

24 Occurred: Ch. 635, Acts of 2010. Correction by the publisher of the Annotated
25 Code in the 2010 Supplement of the Public Utilities Article is ratified by this Act.

26 27–102.

27 (d) (4) If the construction under this section is an emergency, the
28 Commission shall notify the appropriate county as soon as [practical] **PRACTICABLE**
29 after the cut.

30 **DRAFTER’S NOTE:**

1 Error: Incorrect word usage in § 27–102(d)(4) of the Public Utilities Article.

2 Occurred: Ch. 37, Acts of 2010.

3 **Article – Real Property**

4 7–105.1.

5 (d) An order to docket or a complaint to foreclose a mortgage or deed of trust
6 on residential property shall:

7 (2) Be accompanied by:

8 (x) If the order to docket or complaint to foreclose concerns
9 owner–occupied residential property and is accompanied by a final loss mitigation
10 affidavit:

11 1. A request for foreclosure mediation in the form
12 prescribed by regulation adopted by the Commissioner of Financial Regulation; [and]

13 DRAFTER’S NOTE:

14 Error: Extraneous conjunction in § 7–105.1(d)(2)(x)1. of the Real Property
15 Article.

16 Occurred: Ch. 485, Acts of 2010.

17 8–402.2.

18 (c) (2) The landlord shall mail the notice by certified mail return receipt
19 requested to the mortgagee at the address stated in the recorded request for notice of
20 judgment. If the notice is not given, judgment in favor of the landlord does not impair
21 the lien of the mortgagee. Except as otherwise provided in [subsection (c) of this
22 section] **THIS SUBSECTION**, the property is discharged from the lease and the rights
23 of all persons claiming under the lease are foreclosed unless, within 6 calendar months
24 after execution of the judgment for possession, the tenant or any other person claiming
25 under the lease:

26 (i) Pays the ground rent, arrears, and all costs awarded against
27 that person; and

28 (ii) Commences a proceeding to obtain relief from the judgment.

29 DRAFTER’S NOTE:

30 Error: Stylistic error in § 8–402.2(c)(2) of the Real Property Article.

1 Occurred: Ch. 286, Acts of 2007.

2 8-5A-02.

3 (b) If a tenant or legal occupant is a victim of domestic violence or a victim of
4 sexual assault, the tenant may provide to the landlord the written notice required
5 under § 8-5A-03 or § 8-5A-04 **OF THIS SUBTITLE** and, if the written notice is
6 provided, the tenant shall have 30 days to vacate the leased premises from the date of
7 providing the written notice.

8 DRAFTER'S NOTE:

9 Error: Stylistic error in § 8-5A-02(b) of the Real Property Article.

10 Occurred: Chs. 318 and 319, Acts of 2010. Correction by the publisher of the
11 Annotated Code in the 2010 Supplement of the Real Property Article is ratified by this
12 Act.

13 8A-401.

14 (a) A park owner [only] may increase a park fee **ONLY** if he delivers to each
15 resident a notice in writing, of the increase at least 30 days before the effective date of
16 the increased park fee.

17 DRAFTER'S NOTE:

18 Error: Grammatical error in § 8A-401(a) of the Real Property Article.

19 Occurred: Ch. 843, Acts of 1980.

20 8A-603.

21 A park owner may [only] collect a commission in connection with the sale of a
22 mobile home **ONLY** if he has acted as an agent for either party to the sale pursuant to
23 a separate written agreement.

24 DRAFTER'S NOTE:

25 Error: Grammatical error in § 8A-603 of the Real Property Article.

26 Occurred: Ch. 843, Acts of 1980.

27 8A-605.

28 (b) If subsection (a) of this section does not apply, the seller shall provide the
29 buyer with a notice, in writing, separate from the contract, and in substantially the
30 following form:

1 “If the mobile home you are purchasing is to be placed in a mobile home park,
2 the park may have rules and lease provisions that affect you and your home.

3 You should contact the park office to obtain and carefully review a copy of the
4 lease and rules for the park before you enter into a contract to purchase a
5 mobile home.

6 Due to land use restrictions in many areas in this State, a mobile home may
7 [only] be placed **ONLY** on property that is within a mobile home park.”

8 DRAFTER’S NOTE:

9 Error: Grammatical error in § 8A–605(b) of the Real Property Article.

10 Occurred: Ch. 332, Acts of 1993.

11 8A–1201.

12 (b) (2) A relocation plan for park residents shall include:

13 (iv) A description of the requirement that a resident provide
14 written notice of the resident’s intention to vacate the park and the [time table]
15 **TIMETABLE** for the owner to pay relocation assistance, as provided under subsection
16 (c)(2) of this section;

17 DRAFTER’S NOTE:

18 Error: Stylistic error in § 8A–1201(b)(2)(iv) of the Real Property Article.

19 Occurred: Chs. 258 and 259, Acts of 2010.

20 9–103.

21 (c) (2) If a building is [erected,] **ERECTED** or repaired, [rebuilt]
22 **REBUILT**, or improved to the extent of 25 percent of its value, by a tenant for life or
23 years or by a person employed by the tenant, any lien established in accordance with
24 this subtitle applies only to the extent of the tenant’s interest.

25 DRAFTER’S NOTE:

26 Error: Misplaced punctuation in § 9–103(c)(2) of the Real Property Article.

27 Occurred: Ch. 349, Acts of 1976.

28 9–105.

1 (a) In order to establish a lien under this subtitle, a person entitled to a lien
 2 shall file proceedings in the circuit court for the county where the land or any part of
 3 the land is located within 180 days after the work has been finished or the materials
 4 furnished. The proceedings shall be commenced by filing with the clerk, the following:

5 (1) A petition to establish the mechanic's lien, which shall set forth at
 6 least the following:

7 (iii) The nature or kind of work done or the kind and amount of
 8 materials furnished, the time when the work was done or the materials furnished, the
 9 name of the person for whom the work was done or to whom the materials were
 10 [furnished] **FURNISHED**, and the amount or sum claimed to be due, less any credit
 11 recognized by the petitioner;

12 (3) Either original or sworn, [certified] **CERTIFIED**, or photostatic
 13 copies of material papers or parts thereof, if any, which constitute the basis of the lien
 14 claim, unless the absence thereof is explained in the affidavit.

15 DRAFTER'S NOTE:

16 Error: Omitted commas in § 9–105(a)(1)(iii) and (3) of the Real Property Article.

17 Occurred: Ch. 349, Acts of 1976.

18 11–109.

19 (c) (16) (iii) [The] **IF A REPLACEMENT BOARD MEMBER IS ELECTED,**
 20 **THE** term of each member of the board of directors appointed by the developer shall
 21 end 10 days after the meeting **IS HELD** as specified in subparagraph (i) of this
 22 paragraph [is held, if a replacement board member is elected].

23 DRAFTER'S NOTE:

24 Error: Stylistic errors in § 11–109(c)(16)(iii) of the Real Property Article.

25 Occurred: Chs. 95 and 96, Acts of 2009.

26 14–125.1.

27 (d) (4) In filing a suit under this section, the plaintiff shall certify to the
 28 court:

29 [1.] **(I)** What steps the plaintiff has taken to satisfy the
 30 notice requirements under this subsection; and

31 [2.] **(II)** That each condition precedent to the filing of an
 32 action under this section has been met.

1 DRAFTER'S NOTE:

2 Error: Stylistic errors in § 14–125.1(d)(4) of the Real Property Article.

3 Occurred: Ch. 553, Acts of 2001.

4 14–506.

5 (b) (3) (i) A seller who sells the specified interest in the property to a
6 purchaser in an [~~arms-length~~] ~~ARMS-LENGTH~~, third-party transaction for a fair
7 market price after the affordable housing land trust has failed to exercise its right to
8 repurchase shall execute a signed, notarized affidavit attesting to the fact of the
9 seller's notification to the affordable housing land trust and the affordable housing
10 land trust's failure to exercise its right to repurchase.

11 DRAFTER'S NOTE:

12 Error: Omitted comma in § 14–506(b)(3)(i) of the Real Property Article.

13 Occurred: Chs. 609 and 610, Acts of 2010.

14 **Article – State Finance and Procurement**

15 5–7B–01.

16 (c) (1) “Growth-related project” means only the items set forth below:

17 (i) any major capital project as defined in § 2–103.1(a)(4) of the
18 Transportation Article, except existing transportation facilities projects as defined in
19 [~~§ 4–101(i)~~] ~~§ 4–101(H)~~ of the Transportation Article, project planning as defined in §
20 8–610(i) of the Transportation Article, or initial project planning as defined in
21 § 8–610(e) of the Transportation Article;

22 DRAFTER'S NOTE:

23 Error: Incorrect cross-reference in § 5–7B–01(c)(1)(i) of the State Finance and
24 Procurement Article.

25 Occurred: As a result of changes made by the publishers of the Annotated Code
26 in the 2008 Replacement Volume of the Transportation Article to the ordering of §
27 4–101(h) and (i) of that article. The changes were made under the authority of Ch. 5,
28 Acts of 2007.

29 8–117.

1 (g) (1) An enabling act for a capital project that authorizes the creation of
2 a State debt of at least \$500,000 for a hospital or institution of higher education that is
3 not subject to the reporting requirement under § 14–305 of this article shall include
4 the following paragraph:

5 “On or before December 31 of any year in which the payment of any funds under
6 the provisions of this Act for the purposes of a capital project as set forth in Section
7 1(3) above is made and on or before December 31 of the year following a year in which
8 the payment of any funds under the provisions of this Act for the purposes set forth in
9 Section 1(3) above is made, **IF the grantee IS A HOSPITAL OR INSTITUTION OF**
10 **HIGHER EDUCATION THAT RECEIVES AT LEAST \$500,000 UNDER THIS ACT AND**
11 **IS NOT SUBJECT TO THE REPORTING REQUIREMENT UNDER § 14–305 OF THE**
12 **STATE FINANCE AND PROCUREMENT ARTICLE, THE GRANTEE** shall submit a
13 report to the Governor’s Office of Minority Affairs on the extent to which the grantee
14 has used, or will use, any part of the funds received under the provisions of this Act for
15 contracts with minority–owned businesses and **ON** any minority business outreach
16 efforts.”

17 DRAFTER’S NOTE:

18 Error: Omitted language in § 8–117(g)(1) of the State Finance and Procurement
19 Article.

20 Occurred: Ch. 398, Acts of 2010. The added language is clarifying only and
21 conforms to the language in the lead–in to § 8–117(g) of the State Finance and
22 Procurement Article. The addition of the word “on” with respect to a report concerning
23 minority business outreach efforts was recommended by the Attorney General in the
24 Bill Review Letter for H.B. 209 of 2010 (footnote 4), dated April 23, 2010.

25 10A–101.

26 (a) (3) “Private entity” means an individual, a corporation, a general or
27 limited partnership, a limited liability company, a joint venture, a [business]
28 **STATUTORY** trust, a public benefit corporation, a nonprofit entity, or another business
29 entity.

30 (5) (i) “Public–private partnership” means a sale or lease
31 agreement between a unit of State government and a private entity under which:

32 1. the private entity assumes control of the operation
33 and maintenance of an existing State facility; or

34 2. the private entity constructs, reconstructs, finances,
35 or operates a State facility or a facility for State use and will collect fees, charges,
36 rents, or tolls for the use of the facility.

37 (ii) “Public–private partnership” does not include:

1 1. a short-term operating space lease entered into in the
2 ordinary course of business by a unit of State government and a private entity and
3 approved under [§ 10-305] § 4-321 of this article;

4 2. a procurement governed by Division II of this article;
5 or

6 3. public-private partnership agreements entered into
7 by the University System of Maryland, where no State funds are used to fund or
8 finance any portion of a capital project.

9 DRAFTER'S NOTE:

10 Error: Incorrect word usage in § 10A-101(a)(3) of the State Finance and
11 Procurement Article and erroneous cross-reference in § 10A-101(a)(5)(ii)1 of the State
12 Finance and Procurement Article.

13 Occurred: As a result of Ch. 611, Acts of 2010; Chs. 640 and 641, Acts of 2010.
14 14-301.

15 (i) (1) Subject to paragraphs (2) and (3) of this subsection, "socially and
16 economically disadvantaged individual" means a citizen or lawfully admitted
17 permanent resident of the United States who is:

18 (i) in any of the following minority groups:

19 5. physically or mentally disabled – an individual who
20 has an impairment that substantially limits one or more major life [activity]
21 **ACTIVITIES**, who is regarded generally by the community as having such a disability,
22 and whose disability has substantially limited his or her ability to engage in
23 competitive business; or

24 DRAFTER'S NOTE:

25 Error: Grammatical error in § 14-301(i)(1)(i)5 of the State Finance and
26 Procurement Article.

27 Occurred: Ch. 339, Acts of 2001.

28 14-409.

29 (c) It is the goal of the Department **OF GENERAL SERVICES** to:

30 (1) compost, to the extent practicable, all landscape waste on State
31 property that is under its operation for use as fertilizer in landscaping activities; and

1 (iv) subject to paragraph (2) of this subsection, make
2 recommendations to:

3 3. the Department of Planning in accordance with
4 **[§ 5-904] § 5A-303** of the State Finance and Procurement Article; and

5 DRAFTER'S NOTE:

6 Error: Erroneous cross-reference in § 9-1406(h)(1)(iv)3 of the State Government
7 Article.

8 Occurred: Ch. 487, § 1, Acts of 2010.

9 **Article – State Personnel and Pensions**

10 21-305.5.

11 (h) (3) The amount determined under paragraph (2) **OF THIS**
12 **SUBSECTION** may not be less than zero.

13 DRAFTER'S NOTE:

14 Error: Stylistic error in § 21-305.5(h)(3) of the State Personnel and Pensions
15 Article.

16 Occurred: Ch. 661, Acts of 1996.

17 21-306.

18 (d) (4) Except as provided in paragraph (5) of this subsection, the annual
19 special accrued liability contribution of each participating governmental unit shall be
20 the level annual payment that is sufficient to liquidate, over 25 years beginning on the
21 date of approval by the legislative body of the participating governmental unit, the
22 amount by which the special accrued liability of the participating governmental unit
23 exceeds the sum of:

24 (ii) any cash and securities transferred to the Local Fire and
25 Police System **[in accordance with § 31-205(b) of this article] FROM THE LOCAL**
26 **PENSION SYSTEM ON OR BEFORE DECEMBER 31, 2004.**

27 (e) (2) (i) On and after the date of a participating governmental unit's
28 withdrawal from the Local Fire and Police System under **[§ 31-302(b)]**
29 **§ 31-302** of this article, the participating governmental unit and its employees are not
30 required to make any further contributions to the Local Fire and Police System.

31 DRAFTER'S NOTE:

1 Error: Obsolete cross-reference in § 21-306(d)(4)(ii) and erroneous
2 cross-reference in § 21-306(e)(2)(i) of the State Personnel and Pensions Article.

3 Occurred: As a result of Ch. 580, Acts of 2010. New language under
4 § 21-306(d)(4)(ii) of the State Personnel and Pensions Article is added to clarify that
5 under former § 31-205(b) of the State Personnel and Pensions Article, no cash or
6 securities were transferred into the Local Fire and Police System after December 31,
7 2004.

8 21-306.1.

9 (e) (2) (i) On and after the date of a participating governmental unit's
10 withdrawal from the Law Enforcement Officers' Pension System under [§ 31-302(c)] §
11 **31-302** of this article, the participating governmental unit and its employees are not
12 required to make any further contributions to the Law Enforcement Officers' Pension
13 System for those employees who elect to withdraw from the Law Enforcement Officers'
14 Pension System.

15 DRAFTER'S NOTE:

16 Error: Erroneous cross-reference in § 21-306.1(e)(2)(i) of the State Personnel
17 and Pensions Article.

18 Occurred: As a result of Ch. 580, Acts of 2010.

19 21-306.2.

20 (e) (2) (i) On and after the date of a participating governmental unit's
21 withdrawal from the Correctional Officers' Retirement System under [§ 31-302(d)] §
22 **31-302** of this article, the participating governmental unit and its employees are not
23 required to make any further contributions to the Correctional Officers' Retirement
24 System for those employees who elect to withdraw from the Correctional Officers'
25 Retirement System.

26 DRAFTER'S NOTE:

27 Error: Erroneous cross-reference in § 21-306.2(e)(2)(i) of the State Personnel
28 and Pensions Article.

29 Occurred: As a result of Ch. 580, Acts of 2010.

30 26-303.

31 (a) This section applies to a member of the Law Enforcement Officers'
32 Pension System who[:

1 (1)] is subject to the Law Enforcement Officers' Modified Pension
2 Benefit under Subtitle 2, Part II of this title[; and

3 (2) has not withdrawn the member's accumulated contributions under
4 § 29–303(h) of this article].

5 DRAFTER'S NOTE:

6 Error: Obsolete language in § 26–303(a) of the State Personnel and Pensions
7 Article.

8 Occurred: As a result of Ch. 696, Acts of 2010.

9 28–201.

10 (A) This subtitle applies only to an employee of a participating governmental
11 unit who is:

12 (1) a law enforcement officer [as defined in § 31–201 of this article]
13 **WHO IS CERTIFIED BY THE MARYLAND POLICE TRAINING COMMISSION AS A**
14 **LAW ENFORCEMENT OFFICER; or**

15 (2) a fire fighter [as defined in § 31–201 of this article] **WHO IS:**

16 (I) **A PAID FIREFIGHTER, AS DETERMINED BY THE**
17 **ELIGIBLE GOVERNMENTAL UNIT; OR**

18 (II) **A PAID PARAMEDIC, AS DETERMINED BY THE ELIGIBLE**
19 **GOVERNMENTAL UNIT.**

20 (B) **THIS SUBTITLE DOES NOT APPLY TO AN EMPLOYEE OF A**
21 **PARTICIPATING GOVERNMENTAL UNIT WHO IS A VOLUNTEER FIREFIGHTER OR**
22 **VOLUNTEER PARAMEDIC.**

23 DRAFTER'S NOTE:

24 Error: Obsolete cross–reference and omitted language in § 28–201 of the State
25 Personnel and Pensions Article.

26 Occurred: As a result of Ch. 580, Acts of 2010, which repealed the definitions of
27 “law enforcement officer” and “firefighter” in former § 31–201 of the State Personnel
28 and Pensions Article. The definitions continue to have validity for § 28–201 of the
29 State Personnel and Pensions Article and, therefore, have been substituted for the
30 obsolete cross–references.

31 28–304.

1 A member is entitled to eligibility service that equals:

2 (1) the member's service credit transferred from a retirement or
3 pension system under Title 37 of this article; and

4 (2) the member's service credit transferred from a retirement or
5 pension system [under § 31–204 of this article] **ON OR BEFORE DECEMBER 31,**
6 **2005.**

7 DRAFTER'S NOTE:

8 Error: Obsolete cross-reference in § 28–304 of the State Personnel and Pensions
9 Article.

10 Occurred: As a result of Ch. 580, Acts of 2010. New language under § 28–304 of
11 the State Personnel and Pensions Article is added to clarify that former § 31–204 of
12 the State Personnel and Pensions Article would not have permitted transfers of
13 service credit into the Local Fire and Police System after December 31, 2005.

14 **Article – Tax – General**

15 10–720.

16 (c) (3) The maximum amount of credit stated in the initial credit
17 certificate [shall:

18 (i)] **SHALL**, for an energy producer, be in an amount equal to the
19 lesser of:

20 [1.] **(I)** the product of multiplying 5 times the
21 taxpayer's estimated annual tax credit, based on estimated annual energy production,
22 as certified by the Administration; or

23 [2.] **(II)** \$2,500,000.

24 DRAFTER'S NOTE:

25 Error: Stylistic error and omitted comma in § 10–720(c)(3) of the Tax – General
26 Article.

27 Occurred: Ch. 129, Acts of 2006.

28 10–722.

29 (i) (2) The regulations adopted under this subsection shall provide that
30 the energy use shall be no more than 65% for new construction of a base building, or

1 75% in the case of rehabilitation of a base building, of the energy use attributable to a
2 reference building [which] **THAT** meets the requirements of applicable energy
3 efficiency standards.

4 (j) (2) The regulations adopted under this subsection shall provide that
5 the energy use shall be no more than 65% for new construction, or 75% in the case of
6 rehabilitation, of the energy use attributable to a reference building [which] **THAT**
7 meets the requirements of applicable energy efficiency standards.

8 **DRAFTER'S NOTE:**

9 Error: Grammatical errors in § 10–722(i)(2) and (j)(2) of the Tax – General
10 Article.

11 Occurred: Ch. 620, Acts of 2001.

12 10–909.

13 The income tax required to be withheld under § 10–908 of this subtitle shall be
14 withheld:

15 (1) by a payor other than a fiduciary or S corporation and by an
16 employer:

17 (ii) if there is no regular period of payment as specified in
18 [subitem] **ITEM** (i) of this item, on a daily basis; and

19 **DRAFTER'S NOTE:**

20 Error: Stylistic error in § 10–909(1)(ii) of the Tax – General Article.

21 Occurred: Ch. 135, Acts of 1988. Correction by the publisher of the Annotated
22 Code in the 2010 Replacement Volume of the Tax – General Article is ratified by this
23 Act.

24 10–912.

25 (a) (7) “Transfer pursuant to a foreclosure of a mortgage, deed of trust, or
26 other lien instrument” includes:

27 (i) with respect to the foreclosure of a mortgage:

28 2. a transfer by any of the persons described in item 1 of
29 this [subparagraph] **ITEM** to a subsequent purchaser for value;

30 (ii) with respect to the foreclosure of a deed of trust:

1 DRAFTER'S NOTE:

2 Error: Stylistic error in § 9–317(b)(2) and (3) of the Tax – Property Article.

3 Occurred: Ch. 769, Acts of 1986.

4 **Article – Transportation**

5 4–312.

6 (a) (1) Notwithstanding the provisions of § 20 of Section 3 and § 16 of
7 Section 4 of Chapter 608 of the Acts of the General Assembly of 1976, tolls may [be
8 continued] **CONTINUE** to be charged on the John F. Kennedy Memorial Highway and
9 any project constructed under the provisions of § 3 (bridge, tunnel, and motorway
10 revenue bonds) of Chapter 608 of the Acts of the General Assembly of 1976.

11 DRAFTER'S NOTE:

12 Error: Grammatical error in § 4–312(a)(1) of the Transportation Article.

13 Occurred: Ch. 941, Acts of 1978.

14 4–406.

15 (a) (5) (ii) “Public–private partnership” does not include:

16 1. A short–term operating space lease entered into in the
17 ordinary course of business by the Authority and a private entity [and approved under
18 § 10–305 of the State Finance and Procurement Article]; or

19 2. A procurement governed by Division II of the State
20 Finance and Procurement Article.

21 DRAFTER'S NOTE:

22 Error: Unnecessary cross–reference in § 4–406(a)(5)(ii)1 of the Transportation
23 Article.

24 Occurred: Chs. 640 and 641, Acts of 2010. Correction recommended by the
25 Attorney General in the Bill Review Letter for S.B. 979 of 2010 (Ch. 640) and H.B.
26 1370 of 2010 (Ch. 641) (footnote 11), dated April 28, 2010.

27 13–410.

1 (f) Notwithstanding the provisions of subsection [(c)] (D) of this section, the
 2 Administration may issue reflectorized registration plates under §§ 13–618 and
 3 13–619 of this title.

4 DRAFTER’S NOTE:

5 Error: Erroneous cross–reference in § 13–410(f) of the Transportation Article.

6 Occurred: As a result of Ch. 522, Acts of 2001.

7 13–506.

8 (e) The Administration shall maintain records to indicate that a vehicle:

9 (2) May not be titled or registered for operation in this State except in
 10 accordance with [§ 13–506.1 and § 13–507] §§ 13–506.1 AND 13–507 of this subtitle.

11 DRAFTER’S NOTE:

12 Error: Stylistic error in § 13–506(e)(2) of the Transportation Article.

13 Occurred: Ch. 422, Acts of 2008.

14 13–815.

15 (a) (3) “Qualified plug–in electric drive vehicle” means a motor vehicle
 16 that:

17 (vii) Is propelled to a significant extent by an electric motor that
 18 draws electricity from a battery that:

19 1. For a 4–wheeled motor vehicle, has a capacity of not
 20 less than 4 [kilowatt hours] **KILOWATT–HOURS**;

21 2. For a 2–wheeled or 3–wheeled motor vehicle, has a
 22 capacity of not less than 2.5 [kilowatt hours] **KILOWATT–HOURS**; and

23 3. Is capable of being recharged from an external source
 24 of electricity; and

25 (e) A credit may not be claimed under this section:

26 (3) For a vehicle that was [originally] **INITIALLY** registered in another
 27 state.

28 DRAFTER’S NOTE:

1 Error: Omitted hyphens in § 13–815(a)(3)(vii)1 and 2 of the Transportation
2 Article; incorrect word usage in § 13–815(e)(3) of the Transportation Article.

3 Occurred: Ch. 490, Acts of 2010. Correction of the incorrect word in §
4 13–815(e)(3) of the Transportation Article recommended by the Attorney General in
5 the Bill Review Letter for H.B. 469 of 2010 (Ch. 490) (footnote 1), dated May 12, 2010.

6 15–101.

7 (g) (2) “Vehicle salesman” does not include:

8 (i) A person described in subsection [(b)(3)] (C)(3) of this
9 section;

10 DRAFTER’S NOTE:

11 Error: Erroneous cross–reference in § 15–101(g)(2)(i) of the Transportation
12 Article.

13 Occurred: As a result of Ch. 25, § 13, Acts of 2005.

14 [16–104.

15 (a) (1) A Class A driver’s license authorizes the licensee to drive:

16 (i) Combinations of Class F (tractor) and Class G (trailer)
17 vehicles; and

18 (ii) Any vehicle that a Class B, C, or D driver’s license
19 authorizes its holder to drive.

20 (2) An individual who is issued a Class A driver’s license under this
21 subsection may not drive or attempt to drive a motor vehicle on any highway in this
22 State unless a Class A driver’s license authorizes the individual to drive a vehicle of
23 the class that individual is driving or attempting to drive.

24 (b) (1) A Class B driver’s license authorizes the licensee to drive:

25 (i) Vehicles or combinations of vehicles with a registered gross
26 vehicle weight or registered gross combination weight of more than 25,000 pounds,
27 excluding combinations of Class F (tractor) and Class G (trailer) vehicles; and

28 (ii) Except as provided in § 16–103(c) of this subtitle, any
29 vehicle that a Class C or D driver’s license authorizes its holder to drive.

30 (2) An individual who is issued a Class B driver’s license under this
31 subsection may not drive or attempt to drive a motor vehicle on any highway in this

1 State unless a Class B driver's license authorizes the individual to drive a vehicle of
2 the class that the individual is driving or attempting to drive.

3 (c) (1) A Class C driver's license authorizes the licensee to drive:

4 (i) Buses; and

5 (ii) Any vehicle that a Class D driver's license authorizes its
6 holder to drive.

7 (2) An individual who is issued a Class C driver's license under this
8 subsection may not drive or attempt to drive a motor vehicle on any highway in this
9 State unless a Class C driver's license authorizes the individual to drive a vehicle of
10 the class that the individual is driving or attempting to drive.

11 (d) (1) A Class D driver's license authorizes the licensee to drive any
12 vehicle or combinations of vehicles, except:

13 (i) Combinations of Class F (tractor) and Class G (trailer)
14 vehicles;

15 (ii) Vehicles or combinations of vehicles with a registered gross
16 vehicle weight or registered gross combination weight of more than 25,000 pounds, but
17 not including an uncoupled truck tractor;

18 (iii) Buses over 10,000 pounds gross vehicle weight; and

19 (iv) Motorcycles.

20 (2) An individual who is issued a Class D driver's license under this
21 subsection may not drive or attempt to drive a motor vehicle on any highway in this
22 State unless a Class D driver's license authorizes the individual to drive a vehicle of
23 the class that the individual is driving or attempting to drive.

24 (e) (1) A Class E driver's license authorizes the licensee to drive
25 motorcycles.

26 (2) An individual who is issued a Class E driver's license under this
27 subsection may not drive or attempt to drive a motor vehicle on any highway in this
28 State unless a Class E driver's license authorizes the individual to drive a vehicle of
29 the class that the individual is driving or attempting to drive.

30 (f) Subject to the provisions of the Maryland Vehicle Law, a Class A, B, C, or
31 D licensee may:

32 (1) Drive any tow truck, as defined in and registered in accordance
33 with § 13-920 of this article, designed and used only for towing vehicles; and

1 (2) Tow any vehicle with that tow truck.

2 (g) This section applies to any license issued or renewed on or before
3 December 31, 1989.]

4 DRAFTER'S NOTE:

5 Error: Obsolete language.

6 Occurred: As a result of the fact that § 16–104(g) of the Transportation Article
7 provides that the section applies to licenses “issued or renewed on or before December
8 31, 1989”, and the Motor Vehicle Administration advises that there are no licenses
9 still in circulation that this section of law affects.

10 16–111.

11 (e) (3) An individual who commits an offense as defined in § 16–213(a) of
12 this title while holding a provisional license issued under this subsection is subject to:

13 (i) The waiting periods under subsection [(d)(2)] **(D)(1)(II)** of
14 this section before qualifying for a license under § 16–111.1 of this subtitle; and

15 DRAFTER'S NOTE:

16 Error: Erroneous cross–reference in § 16–111(e)(3)(i) of the Transportation
17 Article.

18 Occurred: As a result of Ch. 13, Acts of 2004.

19 17–106.

20 (e) (4) (i) In this paragraph, “family member” means any individual
21 whose relationship to the vehicle owner is one of those listed under [§ 13–810(b)(1)] **§**
22 **13–810(C)(1)** of this article as being exempt from paying the excise tax imposed on
23 the transfer of a vehicle.

24 DRAFTER'S NOTE:

25 Error: Erroneous cross–reference in § 17–106(e)(4)(i) of the Transportation
26 Article.

27 Occurred: As a result of Ch. 245, Acts of 1988.

28 Subtitle 3. Mobile Seafood **AND PRODUCE** Vendors.

29 24–301.

1 (a) In this subtitle the following words have the meanings indicated.

2 DRAFTER'S NOTE:

3 Error: Erroneous subtitle designation immediately preceding § 24–301 of the
4 Transportation Article.

5 Occurred: As a result of Chs. 565 and 566, Acts of 2010.

6 Chapter 15 of the Acts of 2010

7 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the
8 members appointed by **THE GOVERNOR UNDER § 11–203(A) OF THE ECONOMIC**
9 **DEVELOPMENT ARTICLE, AS ENACTED BY THIS ACT, AND BY** the President of the
10 Senate and the Speaker of the House of Delegates under § 11–203(b) of the Economic
11 Development Article, as enacted by this Act shall expire as follows:

- 12 (1) two members in 2011;
- 13 (2) three members in 2012;
- 14 (3) three members in 2013; and
- 15 (4) three members in 2014.

16 DRAFTER'S NOTE:

17 Error: Omitted language in Section 3 of Chapter 15 of the Acts of 2010.

18 Occurred: Ch. 15, § 3, Acts of 2010.

19 Article 22 – Washington County

20 1–106.5.

21 (A) The County Commissioners may award a contract of purchase or other
22 expenditure for the procurement of professional or technical services, including
23 architectural, design engineering, legal, medical, technological, or technical services,
24 on the basis of the qualifications, resources, and experience of the service provider
25 [and].

26 (B) A CONTRACT AWARDED UNDER SUBSECTION (A) OF THIS SECTION
27 is not subject to the requirements of § 1–106 of this subtitle.

28 DRAFTER'S NOTE:

1 Error: Stylistic and grammatical errors in § 1–106.5 of the Public Local Laws of
2 Washington County.

3 Occurred: Ch. 705, Acts of 2010.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the publishers of the
5 Annotated Code of Maryland, subject to the approval of the Department of Legislative
6 Services, shall make any changes in the text of the Annotated Code necessary to
7 effectuate any termination provision that was enacted by the General Assembly and
8 has taken effect or will take effect prior to October 1, 2011. Any enactment of the 2011
9 Session of the General Assembly that negates or extends the effect of a previously
10 enacted termination provision shall prevail over the provisions of this section.

11 SECTION 3. AND BE IT FURTHER ENACTED, That the Drafter's Notes
12 contained in this Act are not law and may not be considered to have been enacted as
13 part of this Act.

14 SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of this Act
15 are intended solely to correct technical errors in the law and there is no intent to
16 revive or otherwise affect law that is the subject of other acts, whether those acts were
17 signed by the Governor prior to or after the signing of this Act.

18 SECTION 5. AND BE IT FURTHER ENACTED, That the publishers of the
19 Annotated Code of Maryland, in consultation with and subject to the approval of the
20 Department of Legislative Services, shall make nonsubstantive corrections to
21 codification, style, capitalization, punctuation, grammar, spelling, and any reference
22 rendered incorrect or obsolete by an Act of the General Assembly, with no further
23 action required by the General Assembly. The publishers shall adequately describe
24 any such correction in an editor's note following the section affected.

25 SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency
26 measure, is necessary for the immediate preservation of the public health or safety,
27 has been passed by a yea and nay vote supported by three-fifths of all the members
28 elected to each of the two Houses of the General Assembly, and shall take effect from
29 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.